

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Date of Decision: July 11, 2022
Criminal Misc. No.M-41516 of 2021(O&M)**

Rahul ...Petitioner

Versus

State of U.T.(Chandigarh) ...Respondent

and

Criminal Misc. No.M-42493 of 2021(O&M)

Sahil ...Petitioner

Versus

U.T.Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Manjot S.Gujral, Advocate
for the petitioner (in CRM-M-41516-2021).

Ms.Harmanpreet Kaur, Advocate
for the petitioner (in CRM-M-42493-2021).

Mr.Anupam Bansal, A.P.P.,UT Chandigarh.

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HARINDER SINGH SIDHU, J.

This order shall dispose of aforesaid two petitions having filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in the same FIR i.e. FIR No.52 dated 12.05.2021 under Sections 147, 148, 149, 341, 307, 326, 506 IPC (Section 307 deleted later), Police Station Mauli

Jagran, Chandigarh.

The FIR was recorded on the statement of one Raju Kumar, who stated that on 11.05.2021 at around 8.00 P.M he was present at his house. He was informed that his son Vicky was being beaten by 5-6 boys behind the Masjid complex. The complainant immediately went to that place. He saw Sanjay and Rahul (petitioner) along with 3-4 of their companions beating his son. Sanjay had a long knife in his hand, with which he repeatedly attacked his son. Rahul had an iron rod in his hand. One other person was holding a stick in his hand. Rahul and the companion holding a stick were beating his son with the iron rod and the stick. 3-4 other boys were holding his son by the legs and shouting that his son be killed. Meanwhile, number of other people gathered there and the assailants ran away. The complainant took his son to Government Civil Hospital, Sector-6, Panchkula, from where he was referred to Government Medical College, Sector-32, Chandigarh.

During investigation, the petitioner (Rahul) was arrested on 12.05.2021. The iron rod was recovered on his disclosure. Sanjay was arrested and a blood stained knife was recovered on his disclosure statement. The other accused were also arrested. As per the MLR, the son of the complainant had suffered 11 incised wounds on his head, neck, tongue and near the outer ear. As per the FSL report, reddish brown stains were found over both the surfaces of the blade of the knife at various places. It was also opined that all the eleven injuries mentioned in the MLR were possible with the knife stated to be recovered from Sanjay.

After the filing of the present petition, the complainant Raju Kumar has been examined as PW1. His son Sumeet @ Vicky (injured) has been examined as PW2. PW1 Raju Kumar in his deposition has specifically stated that on being informed that his son is being beaten by 5-6 persons, he immediately rushed to the spot. He saw that Ashu had caught hold his son from hair. Sanjay, who was having a knife was giving repeated blows to his son. Gopal and Rahul (petitioner) were armed with rods, with which they were giving blows to his son. Sonu was carrying a *danda* with which he was giving blows to his son. He identified accused in custody, namely; Sanjay, Gopal @ Sonu, Sahil, Ashish @ Ashu and Rahul. He stated that Sahil (petitioner) and Ashu had held his son and the other accused were inflicting blows and stating that they would kill his son. In cross-examination, he asserted that Rahul had given injuries with iron rod to his son on his head and legs.

The injured Sumeet @ Vicky appearing as PW2 in his deposition stated that on 11.05.2021 at about 8.00 PM when he was returning from the market of Mauli Jagran Chandigarh, he was stopped by Sanjay and other accused near the backside of the Mosque. Sanjay was armed with a knife, Rahul (petitioner) was armed with an iron rod, Gopal @ Sonu was armed with *Danda*, Ashish @ Ashu and Sahil were empty handed. Ashu and Sahil (petitioner) caught hold of him. Sanjay, Rahul and Gopal @ Sonu attacked him with their respective weapons. Sanjay inflicted injuries with his knife on his neck, head and right shoulder. Rahul inflicted an iron rod blow on his head. Gopal @ Sonu gave *danda* blows on his legs

and other parts of his body. Resultantly, he received multiple injuries over his head, face, tongue and shoulder. Meanwhile, his father came and took him to hospital in Sector-6, Panchkula, from where he was referred to Sector-32, Chandigarh. He remained in hospital for treatment for about 10-15 days. He identified all the accused in court. In cross-examination, he volunteered that the injury inflicted by Rahul was a minor one and no specific treatment for that injury was given to him by the doctor. In cross-examination he also admitted that prior to the present occurrence, he had a fight with one Ajay. In that occurrence, he had suffered injuries with *Gandasi* and swords. He admitted that the injuries referred to by him in his examination-in-chief are the injuries which he had suffered in the occurrence with Ajay. He, however, denied that it was incorrect that he was not given injuries by the accused party and that he had falsely implicated them.

Mr.Bansal, Ld. APP appearing for UT Chandigarh while opposing the petitions has argued that the petitioners were part of the unlawful assembly and they all with common intention caused injuries to the victim on the vital parts i.e. head, neck, tongue, etc. The knife and the iron rod used in the commission of crime were recovered. He argued that both the PWs have supported the prosecution version and deposed in detail about the injuries sustained in the incident and the role of the petitioners. It was also opined that all the eleven injuries mentioned in the MLR were possible with the knife recovered from Sanjay.

Having considered the facts and circumstances, number of the injuries inflicted by the accused on the vital parts i.e. head, neck, tongue, etc.

and the fact that PW1 and PW2 in their statements have deposed about the role of the petitioners and the other accused and also identified them, no ground to grant bail to the petitioners at this stage is made out.

Petitions are Dismissed.

July 11, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No