

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

Sr. No. 206(1)

CRM-M No. 40405 of 2021

Date of decision : 09.02.2022

Jai Bhagwan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Namit Khurana, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A. G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing. -

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.196 dated 19.08.2021 registered under Sections 323, 325, 506 read with Section 34 IPC at Police Station Sadhaura, district Yamuna Nagar.

The petitioner and his co-accused are being prosecuted for having caused injuries to the complainant as also for threatening to eliminate him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case due to enmity between the petitioner and the complainant; a perusal of the note by the doctor at Civil Hospital, Jagadhri, which was recorded at the time of admission of the complainant, clearly reveals that at that time the complainant - Mahender Kumar had

disclosed to the doctor that the injuries received by him had resulted from a fall at his home; there is delay of 19 days in the lodging of the FIR which is unexplained and that under the interim orders passed by this Trial Court the petitioner had joined investigation and had cooperated with the same.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused inflicted as many as six injuries on the complainant which include a grievous injury.

Whether the petitioner has been falsely implicated due to enmity between him and the complainant as also the effect of delay of 19 days in lodging of the FIR shall be debated during the course of the petitioner's trial. Further, it would be for the prosecution to explain the reasons before the Trial Court as to why the complainant, at the time of his admission in the hospital, stated that the injuries on his person were a result of a fall at his home.

In the light of the above debatable issues, this Court is of the opinion that subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in the afore FIR, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

09.02.2022

sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No