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

CRM-M-47246-2022
Date of Decision: 23.11.2022

Nishan Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM-M-49930-2022

Prabhjot

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Jammu, Advocate,
for the petitioner (in both cases).

Mr. Naveen S. Panwr, DAG, Haryana.

Mr. D.S. Virk, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Both the petitions have been filed under Section 438 read with Section 482 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners and the same are taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same FIR bearing No.663 dated 22.08.2022, under Sections 147, 148, 149, 285, 323, 325, 341, 427, 506 & 120-B IPC and Section 25 of the Arms Act and Sections 307 & 379-B IPC added later on and again Sections 148, 285, 307, 379-B & 120-B IPC and Section 25 of the Arms Act were

deleted later on, registered at Police Station City Sirsa, District Sirsa.

Mr. P.S. Jammu, learned counsel appearing on behalf of both petitioners has submitted that it is a case where the name of both the petitioners was not mentioned in the FIR and they have been thereafter nominated on the basis of the disclosure statement of the co-accused. He further submitted that in fact the petitioners are not involved in the present case and they were not even present at the spot and it is a case of false implication. He also submitted that even otherwise also it was not a case of any serious injury to life, and therefore, earlier Section 307 IPC was deleted but thereafter, the aforesaid Section 307 IPC was again added. He further submitted that during the course of investigation, Section 379-B IPC and Arms Act have also been deleted and has submitted that this Court had stayed the arrest of both the petitioners on 07.11.2022 and thereafter, they have joined the investigation and has therefore, prayed that both the petitioners may be considered for the grant of anticipatory bail.

On the other hand, Mr. Naveen S. Panwar, learned Deputy Advocate General, Haryana has filed a status report by way of an affidavit of Deputy Superintendent of Police (HQ), Sirsa in Court today with an advance copy to the learned counsel for the petitioners. He while referring to the affidavit has submitted that it is a case where the allegation against both the petitioners was that they were a part of the gang of about ten persons, who had collectively attacked the husband of the complainant, namely, Parhlad Singh and as per the allegations contained in the FIR, the reason was that the first husband of the complainant had died and there was a property dispute with the brothers of the aforesaid ex-husband and also submitted that two of the

accused in the present case, namely, Rajiv Chandak and Sumit Chandak sons of Vijay Kumar are the brothers of the ex-husband of the complainant and they along with 8-9 persons including the present petitioners, they collectively formed a gang and attacked the second husband of the complainant, namely, Parhlad Singh and had beaten him mercilessly. He while referring to the affidavit has also submitted that during the course of investigation, the CCTV footage was retrieved regarding the place of occurrence and it was found from the CCTV footage that both the petitioners, namely, Nishan Singh and Prabhjot are visible in the CCTV footage playing active role in the beatings with *Danda* in their hands to the injured Parhlad Singh. Petitioner Prabhjot is seen in the CCTV footage inflicting injuries to the injured Parhlad Singh and giving multiple *Danda* blows to the car of the injured and the statement of the injured Parhlad Singh was also recorded and thereafter, medical opinion was also obtained from the hospital concerned. In the opinion dated 19.09.2022, it was opined that injury No.1, 2 & 3 were declared as grievous in nature and injury No.4 was declared as simple and thereafter, in another opinion injury No.1, 2 & 3 were declared as grievous in nature but not dangerous to life and injury No.4 was declared as simple. Thereafter, the matter was further investigated by the Deputy Superintendent of Police, who has filed the present affidavit and some of the co-accused, namely, Pawan, Rajiv, Aman, Rajvir Randhawa @ Kamal Randhawa @ Raju and Randeep @ Rana were found to be not involved in the present case. The provisions of Sections 148, 285, 307, 379-B, 120-B of the IPC and Section 25 of the Arms Act were dropped and Section 379 IPC was added. Thereafter, a complaint dated 20.10.2022 was received via email and four members Special Investigation Team (SIT) was

constituted by the Superintendent of Police, Sirsa vide orders dated 20.10.2022 and during the course of investigation, complete Bed Head Ticket of the injured was obtained from the concerned Hospital on 29.10.2022 and opinion of the Board of Doctors were also obtained from Civil Hospital, Sirsa, wherein it was opined that all the injuries are collectively dangerous to life. In view of the aforesaid opinion, Section 307 IPC was added in this case and the investigation of the SIT is still in progress.

Learned State counsel further submitted that on 07.11.2022, the arrest of the petitioners was stayed by this Court and on that date the lawyers were abstaining from work. He also submitted that thereafter, now a fresh affidavit has been filed in the Court today and while referring to the affidavit he submitted that after the arrest of the petitioners was stayed, both of them came for joining the investigation and two *Dandas* and one motorcycle have been recovered from them. He further submitted that the joining of the petitioners was only an empty formality because they did not cooperate with the investigation process. He further submitted that in the present case, the custodial investigation of both the petitioners is required because they have not been able to answer any query put by investigating officer with regard to the *modus operandi* adopted and the motive and at whose instance they have collectively caused injuries to the aforesaid Parhlad Singh. He also submitted that from the CCTV footage the presence of both the petitioners and actively participating in causing the injuries to the injured can be seen and therefore, for the purpose of elicitation of truth, the custodial investigation of both the petitioners is required. He has prayed for dismissal of both the petition for grant of anticipatory bail considering the aforesaid facts and circumstances

and considering the gravity and magnitude of the offence, where a gang of about ten persons had collectively caused injuries to one person, which has been declared as grievous and dangerous to life by the Board of Doctors.

Mr. D.S. Virk, learned counsel appearing on behalf of the complainant has submitted that the petitioners were hired goons and they were not only the part of the unlawful assembly but they also caused injuries to the injured along with all the other co-accused and the same has been captured in the CCTV footage. He further submitted that the extent of injuries caused to the injured is that the entire leg has been crushed and has also shown the photographs of the injured in the Court today. He also submitted that the petitioners being hired persons had come for the purpose of killing the injured and since they thought that the injured Parhlad Singh has died they left the place but they were caught on the CCTV footage and has, therefore, prayed for the dimissal of both the petitions for the anticipatory bail.

I have heard the learned counsel for the parties.

The present is a case where as per the allegations both the petitioners along with other co-accused including two other persons, namely, Rajiv Chandak and Sumit Chandak had collectively caused injuries to the injured which resulted into four injuries on the various parts of the body including the legs which have been declared as dangerous to life by the Board of Doctors after the SIT was constituted by the police. This Court has also seen photographs of the legs of the injured which have been so provided by the learned counsel for the complainant which show the crushed legs. This Court does not wish to go into the mertis of the case but only for the purpose of considering the prayer for grant of anticipatory bail, the affidavit filed by

the State has to be seen in its entirety. As per the affidavit and also as argued by the learned State counsel, both the petitioners have been seen in the CCTV footage causing beatings and injuries not only to the injured but also on his car. Even as per the FIR, the motive was with regard to the property dispute pertaining to two of the accused persons, who are the brothers of the ex-husband of the complainant and there was a property dispute between them. The petitioners are seen in the CCTV footage, and therefore, the argument raised by the learned State counsel as well as learned counsel for the complainant that the petitioners were hired for this purpose cannot be ignored. The stand taken by the learned State counsel that for the purpose of elicitation of truth, the custodial investigation of the petitioners is required especially when they have not cooperated with the investigation process despite the fact that their arrest was stayed, cannot be ignored and does carry weight. Therefore, without observing any merits of the case and considering the magnitude and gravity of the matter, this Court does not deem it fit and proper to grant anticipatory bail to the petitioners.

Consequently, finding no merit in both the petitions, the same are hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

23.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No