

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

108

CRM-M-2293-2022.

Date of Decision: 21.01.2022

Ashok Kumar

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gaurav Sethi, Advocate for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.244, dated 08.07.2021, having been registered at Police Station Naraingarh, District Ambala, alleging therein the commission of offences punishable under the provisions of Sections 323, 325 and 506 IPC, read with Section 34 IPC (and with Sections 307 and 326 IPC added lateron).

The petitioner having earlier filed CRM-M-48613-2021, seeking a similar relief, that petition had been dismissed on 22.11.2021, with the following order passed by this Court:-

“Learned counsel for the petitioner submits that the occurrence is a case of a version and a cross version thereto, with admittedly one person “on the side of the petitioner” having also come under the tractor, and further, he contends that the petitioner was not present on the spot.

He further submit that as regards the complainant in the FIR registered against the petitioner and his companions, i.e. the FIR in question, he had to unfortunately suffer amputation on his leg well after the date of the occurrence, due to gangrene having set in after the wound got infected,

such wound alleged to have been suffered in the occurrence, with the tractor having gone over the left of the said person, i.e. Jaspal Singh.

Having considered the matter, the FIR and the 'cross FIR' registered at the instance of Jasmer Singh (a friend of the landlord of the petitioner, Ashok Kumar), both allege that a tractor ran over two persons i.e. Jaspal Singh and Jasmer Singh, with admittedly eventually Jaspal Singh having lost his leg.

In the aforesaid circumstances, without making any comment on the merits of the case, in my opinion, this is not a case where the petitioner can be admitted to bail under the provisions of Section 438 of the Cr.P.C.

Consequently, this petition is dismissed.

It is to be noticed however that learned counsel for the complainant has contended that in fact even as per the revenue record, the complainant is shown to be in cultivating possession of the land in question.”

Learned counsel for the petitioner today points to the inquiry report, Annexure P-10, shown to be submitted by the SHO, Police Station Narayangarh, stating therein that as per his investigation carried out till 13.11.2021, Parmod Kumar son of Gagan Singh though was found to be present on the spot, was not actually involved in the quarrel and was innocent.

Learned counsel submits that it having been alleged in the FIR that Parmod Kumar was the person driving the tractor as had allegedly run over the leg of the complainant, leading to eventually amputation of his leg, the entire story is unbelievable even qua the petitioner.

Notice of motion is issued to the respondent.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana, accepts notice at the asking of the Court on behalf of the respondent State, with Mr. Rakesh Gupta, Advocate, appearing for the complainant.

Mr. Gupta points to the earlier part of the very same inquiry report, to submit that Parmod Kumar had been stated to be innocent not just by one of the persons interrogated, i.e. his brother Brijpal (son of present petitioner), with other persons also having made similar statements qua Parmod Kumar, but with none having exonerated the petitioner.

Upon specific query to learned counsel for the petitioner as to whether in the said inquiry report the petitioner has also been named to be an innocent person by any of the persons interrogated/examined, he fairly submits that atleast as per the said report there is no such statement.

He submits that however a co-accused of the petitioner, i.e. Jasmer Singh, has been admitted to bail by this Court on 09.12.2021, on medical grounds and the petitioner may also be admitted to anticipatory bail.

Having heard learned counsel for the petitioner and the complainant and having seen the fact that this Court had already dismissed the petition earlier filed by the petitioner, with there being no change of circumstance in the matter qua the petitioner himself, I would see no reason to admit the petitioner to such bail.

Consequently, the petition is dismissed.

(AMOL RATTAN SINGH)
JUDGE

21.01.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No