

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54756-2021 (O&M)
Date of Decision:-8.2.2022

Rajat @ Rajji ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rakesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.315 dated 2.10.2021, Police Station Bilaspur, District Yamuna Nagar under Sections 148, 149, 323, 341 and 506 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. The FIR in question was lodged at the instance of Rahul, wherein it is alleged that on 29.09.2021, when he was returning back home at about 10.30 PM, he was waylaid by Rajji (petitioner), Vishal, Bablu, Tony, Bhura and some unknown persons. It is alleged that Rajji raised a lalkara saying that

Rahul is the person, who had informed his family about the drug addiction on account of which he (Rajji) had been beaten up several times by his family members and that as such, Rahul should be punished. It is alleged that Rajji inflicted a blow with iron rod on the forehead of the complainant. Vishal is stated to have caused an injury with a glass bottle on the lower lip of the complainant. Other persons accompanying Rajji, namely, Bablu, Tony, Bhura and some unnamed persons gave slaps to the complainant and also kicked and punched him.

3. Learned counsel for the petitioner submits that it is a case where the petitioner is alleged to have inflicted a blow with iron rod on left eyebrow of the injured Rahul and is not alleged to have given any other blow. It has been submitted that a co-accused Sahil @ Babloo has already been granted interim anticipatory bail by this Court vide order dated 26.11.2021 and, as such, the petitioner also deserves the same concession on grounds of parity.
4. On the other hand, learned State counsel has submitted that out of all the 5 accused, who are specifically named in the FIR, it is the petitioner, who has been attributed a grievous injury and, as such, he cannot claim any parity with the case of co-accused Sahil @ Babloo, who is merely alleged to have given slaps and kicks to the injured.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR does show that there is a specific attribution to the petitioner inasmuch as he is alleged to have given a blow with iron rod on the left eyebrow of the injured. The State has filed its reply, wherein in para No.6 opinion of the doctor as regards the injury sustained by injured Rahul on his left eyebrow has been stated. Para No.6 of the said reply reads as follows:

“6. That in respect of injuries sustained by injured Rahul opinion from doctor of Civil Hospital, Jagadhri was taken, who opined that “After receiving the case summary of Rahul s/o Dhani Ram from Vishal Eye Center Hospital in my opinion injury no.3 of MLR No.CHJ/SS/442021 is declared as grievous in nature (Traumatic Maculer Hole noted in left eye which leads to loss of reading and writing vision in left eye).”

7. The aforesaid medical opinion shows that it is not just a case of grievous injury but is a case where the vision of the injured Rahul has been affected. In view of the serious nature of allegations against the petitioner, no special case for grant of anticipatory bail is made out. The petition, as such, is dismissed.

8.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No