

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-8822-2023

Date of decision: 08.05.2023

Om Parkash and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Sharmila Sharma, Advocate
for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Amritpal Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.204 dated 09.09.2021 under Sections 147, 148, 149, 323, 341 and 506 of the IPC (Section 307 of the IPC added lateron) registered at Police Station Nathu Sarai Chopta, District Sirsa.

2. Vide order dated 22.02.2023, this Court had directed the petitioners to join investigation as it had been contended by their learned counsel that it was a case of version and cross-version wherein both parties had sustained injuries at the hands of each other on account of a sudden quarrel which erupted qua the turn of water for irrigating their fields.

3. Learned counsel for the petitioners submits that the petitioners have joined investigation and cooperated with the

investigating agency and hence the interim order dated 22.02.2023 be made absolute.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been contended that the turn of water of the complainant to irrigate their fields was from 06:30 A.M. to 08:00 A.M., however, the accused petitioners not only arrived at the spot half an hour earlier at 07:30 A.M. on the fateful day but without any provocation, collectively launched an attack with spades on the complainant party as a result of which injured Pawan sustained multiple injuries on his head.

5. Learned counsel for the complainant has further contended that the injuries received by the opposite side were simple in nature and even the FIR (Annexure P-2) lodged by them was much after the FIR in question had been filed.

6. A prayer has, therefore, been made by the learned State counsel for dismissal of the instant petition in view of the allegations levelled against the petitioners and also because their custodial interrogation would be required.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Prima facie, it appears to be a pre-mediated attack in which injured Pawan sustained multiple injuries on his head which were declared dangerous to life. This Court, in the facts and circumstances as enumerated hereinabove, does not deem it fit to extend the extraordinary concession of anticipation bail to the petitioners.

9. Accordingly, the instant petition is dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No