

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRM-M-17161-2023
Neutral Citation No. 2023: PHHC: 138583

NITIN KUMAR Petitioners

Vs.

STATE OF HARYANA Respondent

2. CRM-M-17917-2023
Neutral Citation No. 2023: PHHC: 138584

CHETAN NATH Petitioners

Vs.

STATE OF HARYANA Respondent

3. CRM-M-23030-2023
Neutral Citation No. 2023: PHHC: 138585

KESHAV Petitioners

Vs.

STATE OF HARYANA Respondent

Reserved on: 16.10.2023
Pronounced on: 30.10.2023

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Vaibhav Goel, Advocate, for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Rahul Deswal, Advocate, for the complainant.

DEEPAK GUPTA, J.

Prayer in all these three petitions filed under Section 438 CrPC

is for grant of anticipatory bail in case of FIR No.122 dated 09.03.2023,

under Sections 323, 34, 506 IPC (later on added Section 307 IPC), registered at Police Station Krishna Gate Thanesar.

2. As per the prosecution allegations, on 08.03.2023 at about 4.30-5.00 pm, when Prince (complainant) along with his friend Ritesh was present at his music studio in Sector 7-B Colony, Kurukshetra, accused Chetan Nath (*petitioner in CRM-M-17917-2023*) and Anmol came there and without saying anything, started beating Prince. Thereafter, accused-Keshav (*petitioner in CRM-M-23030-2023*) and Shivam along with Nitin Kumar (*petitioner in CRM-M-17161-2023*) came and they also gave beatings to the complainant and abused him. Complainant received various injuries. He was shifted to LNJP Hospital, Kurukshetra by Ritesh and Prince's sister Muskan. After providing first aid, complainant was referred to Kalpana Chawla Government Medical College and Hospital [KCGMCH], Karnal. However, family members got him admitted in Amritdhara Hospital, Karnal. On getting medical rukka, police reached there and recorded statement of Prince, resulting in registration of the FIR, initially under Sections 323/ 34 and 506 IPC. However, on 20.03.2023, it was opined by the Medical Officer of LNJP Hospital, Kurukshetra that injury No.1 on the person of the complainant Prince, was dangerous to life and so, Section 307 IPC was added. Brick used in the commission of offence, as produced by the complainant, was also taken into possession.

3. It is submitted by all the three petitioners that they have been falsely implicated; that in pursuance of the order passed by this Court, they have already joined the investigation; and that medical opinion regarding injury being dangerous to life has been procured later on. Ld. counsel

further pointed out that brick used in the crime was handed over by the complainant to the police on 31.03.2023 i.e., more than 20 days from the date of occurrence. It is also contended that medical opinion regarding injury attracting under Section 307 IPC has been managed by the complainant.

4. Ld. State counsel does not dispute the fact that petitioners have joined the investigation pursuant to the direction by this Court. However, ld. State counsel alongwith counsel for the complainant have strongly opposed the petitions for grant of anticipatory bail or to make the interim order as absolute, by pointing out the nature of injury, which has been found to be grievous in nature and particularly, the fact that all the three petitioners have been specifically named to be assailants in the initial version itself.

5. Ld. counsel for the complainant also filed reply to the petition in CRM-M-17161-2023 titled as *Nitin Kumar Vs. State of Haryana* with a prayer to treat the similar reply for all the three petitions. It is contended by Ld. counsel that petitioners have not attached the medical record of Cygnus Super Speciality Hospital, where the complainant remained admitted from 17.03.2023 to 21.03.2023 and was kept on oxygen ventilator for 5 days, as he had suffered injury of left upper lobe laceration along with lungs collapsed (Pneumothorax) and collection of blood between lungs and chest (Hemothorax) and suffered from Pneumomediastinum. Ld. counsel contends that bare perusal of the discharge summary of Amritdhara Hospital shows that complainant was suffering chest injury and was discharged with ICD insertion with a tube inserted in his chest and that his

sister got him discharged, as he was to be re-examined after 5-7 days. However, as condition of the complainant got deteriorated; he had to be re-admitted in another specialized hospital, namely Cygnus Hospital. Ld. counsel for the complainant further pointed out that since very beginning alleged history of injury to chest is mentioned and the names of the petitioners were disclosed to be the assailants. Prayer is made for rejecting of the petitions.

6. I have considered submissions of both the sides and have appraised the record.

7. The medical record reveals that on the date of occurrence itself, injured Prince was shifted to LNJP Hospital, Kurukshetra, from where he was referred to KCGMCH, Karnal. However, he was taken to Amritdhara Hospital, ITI Chowk, Karnal on 08.03.2023 itself, where he remained admitted up to 10.03.2023. The MLR prepared at LNJP Hospital on 08.03.2023 itself reveals that complainant had complained of chest pain. Though no external mark of fresh injury was seen but Xray, HRCT Scan and surgeon opinion was sought. The discharge summary (Annexure P3) of Amritdhara, Hospital reveals that complainant had reached with the complaint of chest pain and dyspnea. He was diagnosed to have Left Traumatic Hemopneumothorax with Hepatitis B positive. The documents as placed on record by the complainant further reveal that complainant was taken to the Cygnus Super Speciality hospital on 17.03.2023, from where he was discharged on 21.03.2023. Past history of injury to chest is recorded in discharge summary. Provisional diagnosis was Left Sided Traumatic Pneumothorax, which was confirmed in final diagnosis also. The medical

officer opined on 20.03.2023 that injury on the person of the complainant-Prince was dangerous to life.

8. It is true that brick allegedly used in the crime was handed over to the police on 31.03.2023 i.e., almost 23 days after the occurrence, but said fact is not very significant at this stage. What is relevant at this stage is that injury to chest has been reported since beginning. Names of all the three petitioners as assailants find mention in the FIR. Injury on the chest of the complainant has been found to be dangerous to life.

9. Having regard to all the aforesaid facts and circumstances and the role attributed to petitioners being amongst the assailants but without commenting anything further on merits of the case, this court does not find the present case to be fit for grant of anticipatory bail. As such, all the petitions are hereby dismissed.

Pending application(s), if any, shall stand disposed of.

A photocopy of this order be placed on the files of other connected cases.

30.10.2023
Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No