

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

CRM-M No. 22526 of 2023

Date of Decision: 24.05.2023

Vinod Bhatia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Vivek Salathia, Advocate for petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Vinod Kumar Kataria, Advocate for the complainant.

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SANJIV BERRY, J. (ORAL)

Learned counsel for the petitioner states that in the order dated 05.05.2023 due to typographical error in para 2, it has been mentioned that “sons of the petitioner, who had been arrayed as accused, have been arrested by the police” whereas in fact they were declared innocent by the police. It is being typographical error, it is, ordered that in para 2 in the order dated 05.05.2023 instead of “have been arrested by the police” it be read as “have been declared as innocent by the police.

2. The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.0046, dated 14.03.2023 under Sections 452, 323, 324, 506, 379B, 34 of IPC (Sections 325 and 326 of IPC added later on) registered at Police Station City Batala, District Batala (Annexure P-1)

3. Briefly stated the case of the prosecution is that on 13.03.2023

at about 8:30 a.m. when Harjit Singh Bhalla father of the complainant was sitting in his office than Vinod Bhatia armed with datar, Vivek Bhatia armed with Vidaan (hammer) Munish Bhatia armed with datar and one unknown person, who was armed iron rod, came into his office. Vinod Bhatia exhorted the other accused to kill the complainant. In pursuance of the said exhortation, Vivek Bhatia gave a blow with his *Wadan* on his left shoulder Munish Bhatia gave a datar blow on his right shoulder. When he ran out of his office in order to save himself, Vinod Bhatia chased him and gave a datar blow and the said datar blow hit on the little finger of his right hand when he had tried to save himself. Vivek Bhatia gave a blow with his hammer on his left leg. When the complainant fell down, Vinod Bhatia gave a datar blow on his right leg below the knee and thereafter Munish Bhatia gave a datar blow on his left thigh. Thereafter the unknown person inflicted blow with the iron rod on his left thigh. Vivek Bhatia gave another blow with the hammer on his left knee. Vinod Bhatia gave another blow with the datar below the knee on his left leg. Vivek Bhatia gave another blow with his hammer on his right foot. He had been imploring before them to leave him but they kept on beating him mercilessly. In the meantime, his son Jaswinder Singh reached there and on seeing him the accused ran away. However, while leaving the spot the accused Munish Bhatia had snatched a bag having the currency notes of ₹80,000/- from him. His son Jaswinder Singh had chased them but the accused succeeded in escaping from the spot.

4. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case due to family dispute and the petitioner is also close relative of the complainant i.e.

his brother in law. He submitted that as the petitioner owned some money from the complainant which he could not return, due to financial crisis, the petitioner has been implicated in the false case. He submitted that sons of the petitioner who have since been declared innocent by the investigation officer and no injury on the vital parts of the body, as such he prayed for grant of anticipatory bail to the petitioner.

5. Learned State counsel has placed short reply dated 12.05.2023 by way of affidavit filed by Deputy Superintendent of Police, Sub Division City Batala, Police District Batala. The same is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner.

6. These arguments have been assailed by learned State counsel assisted by the counsel for the complainant by arguing that the injuries have been specifically attributed to the petitioner which have been declared grievous in nature. They submitted that as many as 10 injuries on various parts of body have been suffered by the injured aged about 76 years and he had been hospitalized for many days. They also referred to the discharge summary of the injured as Annexure A-1 in this regard and prayed for dismissal of the bail application.

7. Considering the rival contentions and perusing the record it transpires that the injured is aged about 76 years has sustained as many as 10 injuries on various parts of his body in the aforesaid reference. There is specific attribution to the present petitioner having caused Datar blow on the right leg below knee and another blow on the left leg of the injured and both these injuries have been declared to be grievous in nature. Therefore, considering the nature and gravity of offence, no case is made out in favour

of petitioner for grant of anticipatory bail and resultantly the petition is hereby dismissed.

8. 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.

(SANJIV BERRY)
JUDGE

24.05.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |