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

**CRM-M No. 23143 of 2023
Date of Decision: 02.06.2023**

Sudhir Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Nonish Kumar, Advocate for petitioner.
Mr. Vishal Malik, DAG, Punjab.
Mr. Preetinder Singh Ahluwalia, Advocate for complainant.

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SANJIV BERRY, J. (ORAL)

Mr. Preetinder Singh Ahluwalia, Advocate has put in appearance and filed Memorandum of Appearance on behalf of complainant.

The same is taken on record.

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 case FIR No.359, dated 08.08.2022 registered under Sections 148,149, 323, 324 of IPC and Sections 325 & 326 IPC (added later on), at Police Station Taraori, District Karnal, (Annexure P-1).

3. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case being the cross version, just as counter blast of the FIR registered against the complainant along with other co-accused. He submits that the petitioner along with a friend was present on 07.08.2022 on G.T. Road, Tarori when

the complainant along with 5-6 persons reached there armed with weapons and had attacked the petitioner with intent to kill him and in the attack, the left arm of the petitioner was chopped up, shifted to hospital and then referred to PGI, Chandigarh. The intimation was given to police with apprehended one of the accused namely Swarn, but the Police registered the case on 08.08.2022. He submitted that the police has falsely implicated the petitioner and such prayed for grant of anticipatory bail to the petitioner.

3. On the other hand learned State counsel assisted by learned counsel for the complainant has assailed these arguments and referred to the status report dated 29.05.2023 filed by the Deputy Superintendent of Police, (HQ), Karnal to argue that in fact on 07.08.2022 there had been quarrel between the petitioner and complainant party at a hotel in Anaj Mandi in Tarori at about 1 p.m. and the petitioner and his accomplice consumed liquor and Sudhir petitioner had inflicted knife blow on the left arm of Suraj. It is submitted that the custodial interrogation of the petitioner is required and even recovery of knife is yet to be effected from the petitioner, as such prayed for dismissal of the petition.

4. After considering the rival contentions and going through the record, it transpires that as per the prosecution case, on 07.08.2022 at about 1.00 p.m. while the complainant with Rahul was sitting in a hotel in Anaj Mandi, in Tarori along with Joni, and Swarn and taking drinks then around 5.30 p.m. Mukesh along with Sudhir (present petitioner) and Chamkor came there and altercation took place. Sudhir called 3-4 other persons but on intervention both parties left the spot. Thereafter, when complainant alongwith Swarn And Joni came near the bridge of G.T. Road Tarori the

petitioner Sudhir inflicted knife blow on the left arm of the complainant. The complainant stated that Swarn and Joni who were with him, could tell about their injuries. On the basis of this statement the FIR was registered.

5. It is evident from record that the complainant sustained as many as 3 injuries including one grievous injury on his person. Victim Swarn had sustained 5 injuries including one grievous injury while injured Joni sustained blunt injury on the left side of skull. Learned counsel for the petitioner pointed out that the petitioner had got his left arm chopped of regarding which FIR No. 360 dated 08.08.2022 Annexure P-2 was registered and according to him the present FIR No. 359 is a counter blast. However from the perusal of the record it transpires that both the FIR's pertain to different occurrences at different time. In the present FIR the petitioner is alleged to have caused injury with knife on the person of Rahul which has been declared grievous in nature. The recovery of weapon is yet to be effected from the petitioner for which his custodial interrogation is required.

6. Therefore, considering the serious nature and gravity of the offences, no case is made out for grant of anticipatory bail in favour of the petitioner and as a consequent the petition is hereby dismissed.

7. However, anything observed herein above shall not be treated as an expression of opinion on merits of the case.

(SANJIV BERRY)
JUDGE

02.06.2023

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