

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

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CRM-M-27227-2023

Date of decision:02.06.2023

HARI SINGH

...PETITIONER(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. L.S. Sandhu, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. J.S. Lalli, Advocate for
Mr. Manvinder Sidhu, Advocate
for the complainant.

GURBIR SINGH, J. (ORAL)

1. Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.89 dated 20.03.2023 under Sections 323, 325, 34, 341, 379-B, 506, 120-B of IPC, registered at Police Station Kalanwali, District Sirsa.

2. Status report dated 01.06.2023 by way of an affidavit of Gurdial Singh HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa on behalf of the respondent-State has been filed today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

3. The case in question was registered, at the instance of Tej Singh,

who made a statement that on 19.03.2023 at about 4:30 PM, he received a sum of Rs.25,000/- in cash as token money for the sale of buffalo for Rs. 72,000/-. The said amount was in his upper pocket. He was going to the market for bringing rope on his motorcycle. He had gone for some distance then he was given a signal to stop by Jiwana. As he reached in front of the house of Gurpal Singh, then suddenly Hari Singh armed with iron rod, Gurpal Singh armed with iron rod and Jaspreet Singh armed with axe from the house came running towards him and stopped his motorcycle. While saying that he would be made Sarpanch of the Village, Hari Singh pushed him with his hand and made him to fall down alongwith the motorcycle. Then aforesaid Jaspreet Singh caught hold of his shoulders and dragged him on one side and kept holding his shoulders. First of all, Hari Singh gave 3-4 blows to him with iron rod on his left leg and knee and Gurpal Singh gave 4-5 blows with iron rod on his right leg. Then Jaspreet Singh left his shoulders and gave 3-4 blows with axe from reverse side on his left arm and shoulder. They also gave slaps and kick blows to him when he was lying down. He raised alarm saying "bachao-bachao". He also suffered internal injuries. People from the side of his house were attracted and on seeing them coming, Hari Singh snatched Rs.25,000/- from upper pocket of his Kurta due to which upper pocket of Kurta was torn. On seeing the people coming there, the assailants while proclaiming if he got the case registered then he and his son would be eliminated, fled from the spot along with their respective weapons.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated. The allegations against the petitioner that he attacked at his left leg with iron rod and also snatched Rs. 25,000/- from the complainant are totally vague and baseless. The complainant has already

been discharged from the Hospital and leading a normal life. Even, if the prosecution story is believed to be correct, then intention of the accused was to cause injuries only and not to cause any snatching. The said fact is clear from the earlier application moved by Pargat Singh to the Police on 30.12.2022 wherein he apprehended that the accused persons might cause injuries to them on account of nursing grudge due to rivalry regarding election of the Sarpanch as well as one calendera dated 15.03.2023 under Section 107/151 Cr.P.C. Allegations qua 379-B are not attracted at all. The co-accused Hare Ram @ Jiwana Singh @ Mod has already been granted the concession of regular bail by the trial Court vide order dated 18.05.2023. He has relied upon judgment ***“Siddharam Setlingappa Mhetre Versus State of Maharashtra and Others” SCC (Criminal 2011(2)*** passed by Hon’ble Supreme Court of India, ***“Sushila Aggarwal, (2020) 5 SCC 1”***; ***“Gurbaksh Singh Sibbia Vs. State of Punjab”, 1980 (2) SCC 565***; ***“Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav”, 2005 (2) SCC 42***; ***“State of Rajasthan Vs. Balchand”, AIR 1977 SC 2447***; ***“Gudikanti Narasimhulu Vs. Public Prosecutor”, (1978) 1 SCC 240***; ***“Prahlad Singh Bhati Vs. NCT, Delhi”, (2001) 4 SCC 280***; and ***“Dataram Singh Vs State of Uttar Pradesh” (2018) 3 SCC 22***.

5. Learned State counsel has opposed the request for grant of anticipatory bail. It is submitted that petitioner was armed with iron rod, he caused injuries causing fracture of left leg and he himself snatched cash amount of Rs.25,000/- from the pocket of the complainant. Petitioner is also involved in one other case under the NDPS Act. Earlier application was filed that petitioner and other would cause injuries due to rivalry on account of election of the Sarpanch and they were successful in causing the injuries. The

complainant suffered fracture in bilateral shaft of tibia and fibula. The tibia and fibula are two long bones of the leg. Fracture of bilateral shaft of tibia and fibula means that both bones tibia and fibula are broken or cracked. The left leg of complainant has become temporarily non-functional. After successful treatment he would be able to walk. There was fracture in the shaft of humerus. It is break of the upper arm bone. It means that the middle part of bone in the upper arm breaks.

6. Heard.

7. The merit of the case is not to be seen at this stage. There are specific allegations against the petitioner that he caused injuries on the person of complainant with iron rod and also snatched a sum of Rs. 25,000/- from his pocket. The injuries were caused with pre-mediated mind on account of rivalry due to election for the post of Sarpanch. There was fracture of both tibia and fibula of left leg and fracture of humerus i.e., bone of upper arm and injuries have been caused with the brutal mind with a motive that he opposed him in the election of Sarpanch, is not only attack on individual but also it is an attack on democracy at grass root. Both the complainant as well as petitioner belonged to the same village. If in such a case anticipatory bail is given to such accused then faith of the people would erode from the criminal justice system. In the instance case, weapon of offence as well as snatched amount is yet to be recovered so custodial interrogation of the petitioner is necessary. When the person is equipped with favourable order of the anticipatory bail then interrogation becomes a mere ritual.

8. The authorities cited by the learned counsel for the petitioner are of no help to the petitioner. The anticipatory bail is an extra-ordinary remedy and it can be granted only on exceptional circumstances. Keeping in view

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gravity of the offence, nature of crime and its motive, without commenting upon the merits of the case, the present petition stands dismissed.

(GURBIR SINGH)
JUDGE

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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No