

CRM-M-35572-2023

2023:PHHC:104256

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

CRM-M-35572-2023

Date of decision:- 09.8.2023

Vikas

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr.R.S. Chauhan, AAG, Haryana.

Mr.Arpandeep Narula, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner has approached this Court for grant of anticipatory bail in FIR No.127 dated 07.06.2023 lodged for offence under Sections 147, 148, 149, 323, 324, 506 IPC (Sections 326 and 307 IPC were added later on) at Police Station Nathusari Chopta, District Sirsa (Annexure P-1).

2. Case of the prosecution is that FIR, Annexure P1 has been registered on the statement of Hari Singh wherein he has alleged that his family had a dispute about passage to agricultural land with Prahlad and Balwant sons of Jailal, who had threatened that they will forcibly take possession of the passage. In the morning on 07.06.2023, when complainant,

his son - Bhoop Singh, brother – Bhagat Ram and Rajinder Kumar were working in the agricultural fields, Parkash and Vikas (present petitioner), along with their father, Prahlad, Balwant and Sonu attacked them. Parkash, who was riding a tractor tried to mow them down. When they fell down, Parkash took out a spade and hit it on the head of Bhagat Ram and Rajinder Kumar. Vikas, hit Bhoop Singh with a spade (KASSI) and Balwant gave a blow on Bhoop Singh. Prahlad is further accused of giving a spade blow on the head of the complainant. Balwant and Sonu also caused injuries to them. When they raised an alarm, Vijay Pal came on the spot and the accused fled from the scene.

3. Counsel for the petitioner has argued that it is a case of version and cross version and petitioner's father had lodged FIR No.129 dated 08.06.2023 under Sections 148, 149, 323, 325, 506 IPC (Annexure P2) at the same police station. He submits that the complainant and his family were the aggressors and the petitioner has been falsely implicated. He urges that no specific injury has been attributed to the petitioner and the offence under Section 307 IPC is not made out.

4. Per contra, learned State counsel, upon instructions, has opposed the petition and has argued that serious injuries had been caused by the petitioner and co-accused. He submits that during investigation offences under Sections 326 and 307 IPC were added after getting an opinion from a doctor.

5. Counsel for the complainant has produced the photographs of Bhoop Singh to highlight the nature of injury inflicted upon him.

6. I have considered the respective submissions of counsel for the parties.

7. After examining Bhoop Singh, a doctor has opined as under:

“Injury No.-1 Mentioned in MLR was reported ċ CT scan Report from “City Health Care” Hospital Dated – 07.06.2023 was diagnosed as left Parietal Depressed fracture ċ underlying SDH ċ Haemorrhagic Contusion (UHID – 35912, IPD = 542) hence the Nature of Injury is Grievous.

As per Record Pt had Crenechomy. Injury is Dangerous to life.”

-Sd-

8. Medical record shows that injured, Bhoop Singh, has received a severe head injury. He was taken to Civil Healthcare Hospital, Sirsa, where Decompressive Craniectomy and Removal of Depressed Fracture of segment and Evacuation of SDH was done on 07.06.2023. He had a 4 to 5 inches deep wound on his skull. Although a day later, cross FIR has been registered by petitioner’s father, but there are direct allegations against the petitioner of having caused an injury on a vital part of body, which is grievous as well as dangerous to life, attracting offence under Section 307, IPC. Recovery of the weapon of offence is to be effected from the petitioner and his custodial interrogation is imperative.

9. Noticing the nature of allegations, the gravity of offence, the gruesome manner in which injuries have been inflicted on the complainant

and the injured, this Court is of the opinion that the petitioner is not entitled to the discretionary relief of bail in anticipation of arrest.

10. Finding no merit in the petition, it is hereby dismissed.
11. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

09.08.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No