

213

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

**CRM-M-53003-2022 (O&M)
Date of Decision: 09.01.2023**

Sanjeet

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana
for the respondent/State.

Mr. Nitin Meel, Advocate
for the complainant.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.606 dated 20.10.2022 (Annexure P-1), under Sections 120-B, 148, 149, 308 and 323 IPC, registered at Police Station Ganaur, District Sonapat.

Today, status report by way of affidavit dated 07.01.2023 of Mr. Atma Ram, H.P.S., Assistant Commissioner of Police, Ganaur, Sonipat, along with Medico Legal Reports and opinion of Doctor with regard to the injuries suffered by the complainant, has been filed by learned State counsel in Court, which are taken on record, subject to all just exceptions.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted

that the instant case FIR (Annexure P-1) is a result of due deliberation and

consultation, which can be discerned from the fact that the alleged occurrence took place on 19.10.2022 whereas the instant FIR came to be registered on 20.10.2022. From the FIR (Annexure P-1), learned counsel for the petitioner has referred to the following statement:-

*“..... **Police Proceedings:** On 19.10.2022, I the ASI along with SPO Rajender 403 was present at Sardana Bridge in connection with patrolling and checking of crime that a telephonic information was received from police post, Khabru Jhal that a quarrel has taken place in Village Nayabans. On getting this information, I the ASI along with SPO Rajender 403, HC Ravinder 88/SPT reached Village Nayabans and came to know that all the injured had gone to CHC Ganaur. At this, I the ASI along with accompanying officials reached CHC Ganaur, Khabru and obtained medical ruqa together with MLR No. MM/106/GNR/2022 in respect of Rajender Kumar, in which the doctor had mentioned total 5 injuries, MLR No. MM/107/GNR/2022 in respect of Dinesh Kumar, in which doctor had mentioned total 2 injuries, MLR No. MM/108/GNR/2022 in respect of Mohit, in which doctor has declared total 5 injuries, MLR No. MM/109/GNR/2022 in respect of Daman, in which the doctor has mentioned total 4 injuries. The doctor has referred the injured to BPS Khanpur. At the gate of CHC Ganaur, injured Rajender and his brother Ajit son of Hari Ram met in ambulance who told that they would give their complaint after talking to their families next day.”*

Learned counsel for the petitioner submits that although the complainant and his brother were declared fit to give statements on the date of alleged occurrence (19.10.2022), however they did not get their respective statements recorded and rather stated that they would give the statements only after talking to their families on the next date. Learned

counsel further submits that in fact it is the complainant party, who had inflicted injuries to one of the employees of the petitioner, namely Bilal, who had received injuries both with blunt and sharp-edged weapons, however the Investigating Agency had deliberately not recorded the cross-version of the petitioner, although a representation (Annexure P-3) was filed before the Superintendent of Police, Sonapat in that regard. Learned counsel further states that the petitioner has been purposely arrayed as an accused in the instant case at the behest of complainant, so as to cause irreparable harm to the petitioner, as he is a Government employee.

While referring to status report dated 07.01.2023, filed by learned State counsel today, learned counsel for the petitioner has pointed out that in order to pressurize the petitioner, the local police had illegally arrested petitioner's mother-Kamla Devi by invoking Section 212 IPC. Learned counsel further submits that in the FIR (Annexure P-1) itself, reference has been made to MLR No. MM/106/GNR/2022, in respect of Rajender Kumar, in which the doctor had mentioned total five injuries and on the other hand, in the status report dated 07.01.2023, Rajender Kumar is stated to have suffered ten injuries, out of which, injury No.1, which has been attributed to the petitioner, has been declared as simple in nature whereas only injuries No.2 and 9 have been stated to be grievous in nature and as per the status report, for the said grievous injuries, Section 325 IPC has been added in the present case. Learned counsel further states that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency.

Learned State counsel although opposes the bail plea of petitioner by submitting that the offences are serious in nature, however he

does not refute the fact that in MLR No. MM/106/GNR/2022 of Rajender Kumar, he is shown to have suffered five injuries whereas in status report dated 07.01.2023, he has been shown to have suffered ten injuries. It is also not disputed that injury No.1, which has been attributed to the petitioner, has been declared to be simple in nature.

Learned counsel for the complainant also opposes the bail plea of petitioner by submitting that petitioner is main accused as he has inflicted injuries to Rajender Kumar, however upon perusal of status report dated 07.01.2023, he does not dispute the fact that for the alleged grievous injuries suffered by the complainant, Section 325 IPC has been added in the instant case.

I have heard learned counsel for the parties and perused the paper book as well as the status report dated 07.01.2023, filed by learned State counsel in Court today.

Without adverting to the merits of the present case, this Court is of the considered view that the petitioner has made out a case for grant of anticipatory bail. One specific injury attributed to the petitioner, which is stated to be a *lathi* blow on the head of complainant, has been declared to be simple in nature and so far as the alleged grievous injuries No.2 and 9 are concerned, Section 325 IPC is stated to have been added in the instant case (as per the status report dated 07.01.2023), which are not attributed to the petitioner. It is not disputed that the alleged occurrence took place on 19.10.2022 whereas the FIR (Annexure P-1) was got registered only on 20.10.2022 and the Doctor's opinion, as attached with the status report, is dated 26.11.2022.

Accordingly, the instant petition is allowed and it is ordered

that the petitioner, in the event of his arrest, shall be released on anticipatory bail subject to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

The present petition is accordingly disposed of.

All pending application(s), if any, shall also stand disposed of.

09.01.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No