

CRM-M-60418 of 2022

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

CRM-M-60418 of 2022

Date of decision: 25.01.2023

Mubeen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Rosi, Advocate,
for the petitioner.

Ms. GaganpreetKaur, AAG, Haryana.

Mr. Saurav Bhatia, Advocate,
for the complainant.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438Cr.P.C. seeking anticipatory bail in case FIR No.347 dated 20.08.2022 under Sections 148, 149, 323, 324, 506, 341, 427 IPC (lateron added Sections 325 and 307 IPC), registered at Police Station SadarTauru, District Nuh.

FIR in the present case has been registered on the statement made by Jamshed with the allegations that his real brother Arshad had sold his tractor to accused Tahir some year ago. Accused Tahir and his family members used to play their Tractor in illegal mining and on that account his brother Arshad remained always fear-

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full to be under the scanner of the police as RC of the Tractor despite repeated request was not got transferred by co-accused Tahir in his name. He had also not completed the other documentary work pertaining to the said Tractor.

On dated 19.8.2022 around 6.00 P.M. his brother Arshad had asked again to accused Tahir for transferring the RC but he had abused him and threatened him. After some time, he had called his son and other co-accused namely, Shahrup, Sehroon, Hamid, Sakir, Rajjak and Imran who had come to the house of complainant with lathi and danda in their hands and had attacked them. Accused Shahrup had given lathi blow into the cousin brother namely Ramjan on his eye whereas accused Sehroon had given iron rod blow into the head of Ramjan and other co-accused had also given fist and kick blow to PW Ramjan. The neighbour had attracted on the spot after hearing hue and cry and they had separated them. Thereafter, the complainant party was taking injured Ramjan for treatment in a Scorpio car and passing through the street in front of the house of accused persons but they had again started stone pelting upon them and had also damaged their vehicle with lathi, danda and stone pelting. They had informed the police and somehow managed to admit Ramjan in Community Health Centre, Tauru.

On dated 20.8.2022 in the morning time i.e. 7.30 A.M. the complainant's uncle namely Haroon was going for ploughing the fields and when passing in front of the house of accused they had also surrounded him and had beaten him with lathi and danda and when

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information by the complainant and his family members received they had reached on the spot but the accused persons had again given lathi, farsa and iron rod injury upon them. Accused Mubarik had given farsa blow into the head of Nasir whereas Ramanna had also given him injury with lathi. Accused Sahib had also given lathi injury into the hand of complainant. Accused Khalid had also given iron rod on two ear of the complainant. Complainant party Talim, Yusuf and Hanseera had also received several injuries at the hands of the accused persons and they will tell about their respective injuries. Accused Tamanna and Ramjan had forcibly snatched gold ear ring from the ear of Farminai.e wife of complainant. Intimation to the police has been given but the accused persons had meanwhile fled away after threatening them to eliminate on finding further opportunity.

On issuance of notice of motion, status report by way of affidavit of Mukesh Kumar, Deputy Superintendent of Police, Kosli, District Rewari, has been filed on behalf of the respondent-State, wherein it has been stated that the petitioner had played active role in the present crime and had attacked the complainant-party thrice in series firstly, in the morning time of 19.08.2022; secondly, when they shifted the injured to the hospital and on the next date i.e. 20.08.2022. Petitioner had used *lathi* and *danda* in the commission of present crime and same is yet to be recovered from the petitioner. It is also submitted that petitioner is involved in another case bearing FIR No.23 dated 21.01.2017 under Sections 148, 149, 323, 324, 452, 506 IPC registered at Police Station Sadar Tauru.

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Learned counsel for the petitioner submits that present case is a case of version and cross-version where both the parties have suffered injuries. Complainant is an aggressor and petitioner was not present at the time of any of these incidents and no specific role has been attributed to him. Injury which has been attracted under Section 307 IPC has not been inflicted by the petitioner.

Per contra, learned State counsel, assisted by learned counsel for the complainant opposes the prayer for grant of regular bail to the petitioner on the ground that petitioner had played an active role in the present crime and attacked the complainant party as mentioned. Learned State counsel has shown the MLR of injured Yusuf son of Yakub and submits that petitioner has caused injuries to Yusuf on the right side of his head with sharp weapon. Learned State counsel further submits that there is concealment of material facts in the present petition as the petitioner has not disclosed his involvement in FIR No.23 dated 21.01.2017 under Sections 148, 149, 323, 324, 452, 506 IPC registered at Police Station Sadar Tauru. Therefore, he does not deserve the concession of regular bail.

I have heard learned counsel for the parties and perused the record.

As per MLR, injuries suffered by Yusuf are as under: -

Sr. No.	Injuries	Marked	Injury Number
1	INCISED WOUND OF SIZE 6X1 CM PRESENT OVER LT PARIETAL REGION OF HEAD. BLEEDING PRESENT. DIFFUSE SWELLING PRESENT. H/O L.O.C AND VOMITING PRESENT. ADV-NCCT HEAD & SURGERY OPINION	No	1
2	PAIN AND TENDERNESS PRESENT OVER	No	2

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	LT ARM. ADV-ORTHO OPINION		
3	REDDISH CONTUSION OF SIZE 4X2 CM PRESENT OVER LATERAL/DISTAL 1/3rd RT LEG. ADV-ORTHO OPINION	No	3
4	SWELLING & TENDERNESS PRESENT OVER LT ANTERIOR FOOT. ADV-ORTHO OPINION	No	4
Nature of injuries (Simple, Grievous, Dangerous or pending for observation)			
ADV PENDING			
Probable Duration of Injury			
WITHIN 6 HRS.			
Kind of Weapon Used (Sharp, Blunt, Firearm, Fire, Position etc)			
1 SHARP, 2, 3, 4 BLUNT			

Allegations against the petitioner are serious in nature. He attacked the complainant-party thrice in a series and caused injuries on the person of Yusuf with sharp weapon. Moreover, petitioner is involved in one more case, which he has not disclosed in the present petition. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and played fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments in *Dalip Singh v. State of U.P. and others - JT 2009 (15) SC 201: (2010) 2 SCC 114* and *Amar Singh v. Union of India and others, WP(C) No.39/06 decided on 11.05.2011.*

Keeping in view the facts and circumstances of the case, role attributed to the petitioner and gravity of offence, petitioner does not deserve the concession of anticipatory bail.

Dismissed.

25.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No