

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-59108-2023

Date of Decision : November 23, 2023

JEETU RAM AND ANR.

-Petitioners

V/S

STATE OF HARYANA

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Jagjit Singh Gill, Advocate
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

Ms. Prabhjot Kaur Virk, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of pre-arrest bail in FIR No.332 dated 22.09.2023, under Sections 323, 324, 34, 506 of the IPC (offence under Section 325, 326 of the IPC added later), registered at P.S. Kalanwali, District Sirsa.

2. The prosecution story is rooted in the statement of one Jagdish Singh son of Shera Ram, resident of Phaggu, which is extracted hereinafter:-

"I am resident of above mentioned address and I along with Thakar Ram son of Shri Babu Ram and Aasmaan son of Sultan, am working as 'Crop Protectors/Chowkidar' in the fields of landlords of villages Kurangawali, Dograwali and Khatrava, for protecting their crops from the stray animals. Jeetu, Ramu sons of Girdhari, Kishore son of Girdhari and Bhindi are also working as 'Crop Protectors/ Chowkidar' in villages Tarwana etc. There was discord between us about protection of the crops. On 20.09.2023 at about 8:00 PM, I along with Thakar Ram and Aasmaan visited

near Gurudwara in village Dograwali from Kurangawali on the motor-cycle of Thakar Ram and we were drinking water after parking the motor-cycle. At that time, Jeetu & Ramu sons of Girdhari, residents of near Waterworks, Mandi Kalanwali, who were riding on a motor-cycle and Kishore son of Girdhari and Bhindi, who were riding on another motor-cycle, came there and after alighting from their motor-cycles, they told us that they will teach us a lesson for pushing the stray animals into their fields and at this, Jeetu, who was armed with a 'Kappa' hit the same on my right hand and then Ramu gave a sword blow at my right leg and thereafter, Jeetu gave a 'Kapa' blow at my right leg. Kishore gave a 'Danda' blow at my left hand, which landed on my finger and Bhindi gave a 'Danda' blow on my right hand. Thereafter, Kishore gave a 'Danda' blow on my right leg. The aforesaid mentioned four persons had caused several injuries on my person. When Thakar Ram and Aasmaan tried to save me, then the aforesaid four persons had given fist & slap blows to them. Thereafter, they all threatened us that today you are saved and they will kill us in future on some other occasion. In the meantime, spotting the arrival of passers-by, all the above mentioned assailants along with their weapons fled away from the spot on their motor-cycles. Thereafter, Thakar Ram & Aasmaan arranged a vehicle and shifted me to Govt. Hospital, Sirsa for treatment. After first aid, Aasmaan and Thakar Ram got me admitted in DMC Hospital, Sirsa for better treatment, on the same day. On 21.09.2023, I was under the influence of sedatives and now I am fully conscious. Jeetu, Ramu, Kishore sons of Girdhari, residents of Mandi Kalanwali and Bhindi son of unknown have caused injuries to me without any reason. Strict legal action be taken against them."

3. A perusal of the hereinabove extracted statement makes it apparent that the petitioners No.1 and 2, who were armed respectively with Kappa and Danda, gave merciless beatings to the injured/complainant. Moreover, the record also reveals that the injured/complainant had suffered

nine injuries, out of which, eight injuries, i.e. injuries No.1, 2, 3, 4, 5, 6, 8 and 9, were declared grievous in nature.

4. The learned State counsel, who is in receipt of advance notice, on instructions imparted to him by HC Ramesh Kumar, submits that, apart from the instant FIR, the petitioner No.1 is also involved in FIR No.329 dated 30.12.2020, registered at P.S. Kalanwali. Therefore, the declaration, as made by the petitioners in paragraph 10 of the instant petition, inasmuch as, them not being involved in any other criminal case, stands belied.

5. Considering the criminal antecedents of the petitioner(s) and the grievous injuries suffered by the injured/complainant on his body, coupled with the fact that they have deliberately concealed from this Court, the factum qua them being involved in another criminal case also, this Court is not inclined to grant the relief of pre-arrest bail to the petitioners.

6. In sequel, this Court does not deem it a fit case to grant the extraordinary relief of anticipatory bail to the petitioners. Therefore, the asked for relief of anticipatory bail is declined to the petitioners and the petition is accordingly dismissed.

7. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

November 23, 2023
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(KULDEEP TIWARI)
JUDGE

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