

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61501-2023

Date of Decision: December 07, 2023

UMESH SHARMAPetitioner
Versus
STATE OF HARYANARespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Krishan K. Chahal, Addl. A.G. Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.902 dated 03.11.2023 registered under Sections 323, 324, 506 and 34 (307 added later on) at P.S. Surajkand, Faridabad.

2. As per the allegations made in the FIR, the petitioner along with his two co-accused inflicted injuries upon Ashok and Tarun.

3. Learned counsel for the petitioner submits that even as per the allegations levelled in the FIR, the petitioner never gave any injury. He also submits that there has been a delay of 7 years in registration of the FIR and as such, the version stated in the FIR is an afterthought story.

4. On the other hand, while referring to the medical opinion given by the Doctor at “Asian institute of Medical Science, Faridabad”, learned State counsel submits that the injury upon the person of Ashok has been opined to be dangerous to life. He also submits that the

CRM-M-61501-2023

-2-

petitioner gave injuries on the vital part of the bodies of the victims and the incident took place at his instigation only.

5. I have heard learned counsel for the parties and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

6. A perusal of the FIR itself reflects that the entire incident took place at the instigation of the petitioner only and he was instrumental in the incident in question. It was the petitioner only who called two of his friends, who at his asking gave knife blows on the vital part of the body of the victim-Ashok which were declared dangerous to life as per the opinion given by the Doctors at “Asian Institute of Medical Science, Faridabad”. The aforesaid opinion is reproduced hereunder:-

“Patient name-Ashok, admitted and u/o.
Assault and stab/penetrating injury.
Penetrating injury to abdomen, perforation of multiple bowel segment, vascular injury patient has been operated but not out of danger. Nature of injury suggest threat/danger to life.
Depth of wound- skin to root of mesentery is more than 7 cm. deep.”

7. In view of the aforesaid discussion, the present petition being devoid of merits is thus, dismissed.

07.12.2023
Tejwinder

(HARKESH MANUJA)
JUDGE

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