

CRM-M-3011-2024
CRM-M-2710-2024

Neutral Citation No. 2024:PHHC:011195
Neutral Citation No. 2024:PHHC:011197

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: January 25, 2024
Pronounced on: January 29, 2024

I. CRM-M-3011-2024
Sachin Kumar ...Petitioner

Versus

State of Haryana ...Respondent

II. CRM-M-2710-2024
Gagan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Vishal Yadav, Advocate for the petitioners.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.
Mr. Ram Bilas Gupta and Mr. Sarvesh Kumar Gupta,
Advocates for the complainant.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 438 Cr.P.C., the petitioners have prayed for grant of anticipatory bail in a case arising out of FIR No.0709 dated 31.12.2023 under Sections 147, 149, 323, 452 and 506 of IPC, registered at Police Station Kotwali, District Faridabad.

2. FIR was lodged on the complaint of Arjun Bhatia, as per

which on 31.12.2023 at about 12.30-1 p.m., he was attacked by his neighbours, namely Abhimanyu Bhatia, Ankit Bhatia, Satyam, Gagan (*petitioner in 2710-2024*) and Makhan Bhatia with knife. They gave beatings to the servants of his shop, vandalized the shop and threatened not to testify in the earlier case, otherwise he (complainant) shall be killed. FIR was lodged. Medico legal examination of complainant Arjun Bhatia revealed two injuries on his person.

3. It is contended on behalf of petitioner Sachin Kumar that he is not named in the FIR; that he has no connection with the case and that co-accused Ankit Bhatia had also made a complaint bearing No.547-5P II dated 31.12.2023 against the complainant, but no action was taken by the police in that regard and that now complainant has implicated all the family members/relatives. It is further submitted that co-accused Abhimanyu Bhatia and Ankit Bhatia have already been allowed regular bail; and that petitioner is ready to join the investigation.

4. On behalf of petitioner Gagan, it is contended that he has no connection with the crime; that no overt act is attributed to him; that FIR is because of the business rivalry, as shop of his brother-in-law is adjacent to the shop of the complainant. He also made reference of the complaint dated 31.12.023 made by co-accused Ankit Bhatia to the police and that two of the accused Abhimanyu and Ankit have already been allowed regular bail.

5. Learned counsel for the petitioners has also drawn attention

towards the complaint (Annexure P-3), which was made by co-accused Ankit Bhatia to the police regarding the same occurrence. Further attention is drawn towards the copy of the medico legal reports of co-accused Abhimanyu Bhatia and petitioner Sachin Kumar, who sustained one injury each.

6. Opposing the bail petitions, learned State counsel along with counsel for the complainant submitted that complaint No.547-5P II dated 31.12.2023 as referred by the petitioners in their petitions, was duly enquired into and was found to be false. Learned State counsel, by drawing attention towards the status report, further submits that investigation revealed that Makhan Bhatia is the alias name of petitioner Sachin Kumar (*petitioner in 3011-2024*). There is also reference of CCTV footage in the status report, which was seen by the police and it was found that petitioners party was the aggressor. Learned counsel for the complainant also contend that Section 325 IPC was also added, as hairline fracture was also found on the left shoulder of the complainant.

7. I have considered submissions of both the sides and have appraised the record.

8. Both the parties made complaints to the police regarding the same occurrence. Two injuries are mentioned in the MLR pertaining to complainant Arjun Bhatia and one of them is opined to be hairline fracture on the shoulder. On the other hand, medico legal reports of petitioner Sachin Kumar and co-accused Abhimanyu revealed one injury each to

both of them. Although the police has concluded that petitioners party was the aggressor and that the complaint made by co-accused Ankit Bhatia was false, but it is a matter of trial and nothing can be commented at this stage.

9. Having regard to the fact that it is a case of version and cross-version; that both the parties have sustained injuries; and that the occurrence appears to have taken place on account of the business rivalry; that no specific attribution to any of the petitioners is disclosed in the FIR; and that co-accused Abhimanyu Bhatia and Ankit Bhatia were duly arrested during investigation and they have since been allowed regular bail, this Court is inclined to accept both the petitions, subject to their joining of investigation as and when required by the Investigating Officer. It is directed that in the event of the arrest of the petitioners, they shall be released on bail on their furnishing personal/surety bonds to the satisfaction of the Arresting /Investigating Officer. They shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

Both the petitions stand allowed accordingly.

Photocopy of this order be placed on the connected case file.

January 29, 2024

Sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking:

Whether reportable:

Yes/No

Yes/No