

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-3219-2024
Date of decision: 03.04.2024

VISHESH ALIAS CHOTU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. M.S. Rana, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing i.e on 31.01.2024, the following order was passed:-

"Through the instant petition filed under Section 438 Cr.P.C. prayer is made for grant of anticipatory bail to the petitioner in case FIR No.218 dated 22.08.2023, under Sections 148, 149, 160, 323, 325, 307 & 201 of IPC, and under Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Civil Lines, Rohtak.

The prosecution agency was set into motion on a complaint made by ASI-Ram Niwas, according to which, on dated 22.08.2023, when he was on patrolling, at about 2.20 p.m., he saw that 18-20 of young age boys having dandas, lathies and revolvers in their hands, and were seen fighting with each other on the road, upon which, the patrolling party reached at the spot, and on seeing the police party, all of them ran away from the spot. Thereupon, it was transpired through a secret information that one Aman Dahiya, who was the leader of one group, had come with 8-10 boys, with deadly arms, including pistol in their hands, and the other group which was headed by the present petitioner, had 5-6 boys, having deadly arms gather at the place of occurrence. In said occurrence, the present petitioner received gun shot injuries, and other persons also suffered

serious injuries. So far as group of Aman Dahiya is concerned, only one person suffered injury i.e. one injury on the head.

This Court on dated 23.01.2024, when notice of motion was issued, there was a specific direction to the learned State counsel, to file reply, giving the status of investigation, and the role of the present petitioner.

Reply by way of an affidavit dated 30.01.2024, of Virender Singh, H.P.S., Deputy Superintendent of Police, C.A.W, Rohtak has been filed on behalf of respondent-State in the Court today. The same is taken on record. A perusal of the reply reveals that, Aman Dahiya along with 8-10 persons has caused injuries to the present petitioner, which include gun shot injury, and injury is also caused to one of the other companion of the present petitioner. The total injuries suffered by the petitioner are 12 in number, which reads as under:-

<i>Sr. No</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury Number</i>
<i>1</i>	<i>A lacerated wound of size about 5 x 1 cm present obliquely over the right frontoparietal region of scalp. Adv. Surgeon opinion</i>	<i>No</i>	<i>1</i>
<i>2</i>	<i>A lacerated wound of size about 3 x 0.5 cm present obliquely over the right side of forehead situated with lower end of the wound is touching the medial aspect of right eyebrow. Adv. Surgeon opinion and Eye opinion.</i>	<i>No</i>	<i>2</i>
<i>3</i>	<i>A lacerated wound of size 1 x 0.3cm present over the anterior aspect of middle region of nose. Adv. ENT opinion.</i>	<i>No</i>	<i>3</i>
<i>4</i>	<i>A reddish contusion of size 2 x 1 cm present over the area between neck and left shoulder joint situated 12 cm medial to tip of shoulder joint</i>	<i>No</i>	<i>4</i>
<i>5</i>	<i>A reddish abrasion of size 2.5 x 1 cm present obliquely over the left lateral side of chest situated 22 cm left to midline and 12.5 cm</i>	<i>No</i>	<i>5</i>

	<i>below from left nipple. Adv. Surgeon opinion.</i>		
6	<i>A firearm entry wound of size 2 x 1.5 cm, oval in shape, present over the right lateral side of abdomen situated 20 cm right to midline and 28 cm below from right nipple. An abrasion collar of width varying from 0.2 to 0.3 cm present over the wound more so over the superiolaterally. Adv. Surgeon opinion</i>	No	6
7	<i>A reddish contusion of size 11 x 4 cm present obliquely over the posterolateral aspect of upper part of left arm. Adv. Ortho opinion</i>	No	7
8	<i>A reddish abraded contusion of size 5 x 4 cm present obliquely over the posterolateral aspect of left arm situated below injury no. 07</i>	No	8
9	<i>A superficial lacerated wound of size 2.5 x 1 cm present obliquely over the posterolateral aspect of lower 3rd part of left arm. Adv. Ortho opinion.</i>	No	9
10	<i>A reddish abraded contusion of size 6.5 x 2.5 cm present obliquely over the posterior aspect of distal 3rd region of left forearm. Adv. Ortho opinion.</i>	No	10
11	<i>A reddish abrasion of size 2 x 1 cm present obliquely over the posterior aspect of proximal 3rd region of left forearm. Adv. Ortho opinion</i>	No	11
12	<i>A reddish grazed abrasion of size 3 x 2 cm present over the anterior aspect of lowermost region of right knee joint. Adv. Ortho opinion</i>	No	12
13	<i>Note: Any other injury, if found later, can be added during the course of treatment.</i>	No	13

The other persons who were companion to the present petitioner suffered about 10 injuries.

Learned counsel for the petitioner relying upon the MLR of the present petitioner, and his co-accused, submits that in fact it was Aman Dhaiya, who alongwith 8-10 persons, attacked upon him and caused serious injuries to the present petitioner, including a gun shot injury. Learned counsel for the petitioner further submits that the alleged gun shot, which is attributed to the present petitioner, did not cause any injury to the other party. Learned counsel for the petitioner also submits that the alleged revolver, has already been recovered from the co-accused, who was arrested by the police. Therefore, the custodial interrogation of the petitioner is not required.

Be that as it may, considering the fact that the petitioner has suffered 11 injuries including a gun shot injury, and the matter is still under investigation, this Court deems it appropriate, at this stage, to direct the petitioner to join the investigation, and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 03.04.2024."

2. Learned counsel for the petitioner submits that in pursuance of the order dated 31.01.2024, the petitioner had joined the investigation.
3. Learned State counsel, on instructions from ASI Sandeep Singh, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.
4. In view of the statement made by learned State counsel, the interim order dated 31.01.2024, is hereby made absolute.

03.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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