

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRM-M-4317-2024
2024:PHHC: 040598

NASEEB KUMAR

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

2.

CRM-M-4318-2024
2024:PHHC: 040628

HASAN

. . . . Petitioner

Vs.

STATE OF HARYANA

. . . . Respondent

Reserved on: 14.03.2024
Pronounced on : 21.03.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Robin Lohan, Advocate, for the petitioner.
Mr. Sumit Jain, Addl. AG, Haryana.
Mr. Sumit Sangwan, Advocate, for the complainant.

DEEPAK GUPTA, J.

This order shall dispose of two petitions titled above, as in both of them filed under Section 438 CrPC, petitioners pray for grant of anticipatory bail in case FIR No.0337 dated 24.10.2023 under Sections 148/ 149/ 307/323/341/506 IPC at Police Station Dadri Sadar, District Charkhi Dadri.

2. Separate status reports by way of affidavit of Shri Ashok Kumar, HPS DSP, HQ Charkhi Dadri on behalf of the respondent-State has already been filed

3.1 FIR was lodged on the complaint made by Hardeep son of Attar Singh resident of village Paintawas Kalan, stating therein that his family has

enmity with the family of Ajit, Ex. Sarpanch due to Sarpanch elections. Previously, altercations have occurred between them. On 24.10.2023, at about 05:00 PM, complainant Hardeep was returning to his home on motorcycle, when accused Sandeep struck his tractor to the side of the motorcycle and started abusing him. Cousins of the complainant namely Navdeep and Savardeep were present at that time and saw the incident. Complainant with his cousins started moving towards their home on the motorcycle. As they reached near MD School, Sandeep, Ajit, Hasan (*petitioner in CRM-M-4318-2024*), Naseeb Kumar (*petitioner in CRM-M-4317-2024*) and Jai Singh started assaulting them with lathi, axe and Khukhri etc. It is alleged that Sandeep inflicted axe blow on the hand of Hardeep and Head of Savardeep. Hasan (*petitioner in CRM-M-4318-2024*) gave Khukhri blow on the head of Savardeep. In the meantime, uncle of the complainant namely, Krishan reached there and then, Sandeep and Naseeb Kumar (*petitioner in CRM-M-4317-2024*) assaulted him with danda and axe. As the co-villagers reached there, the assailants fled away.

3.2 During investigation, video footage of incident was provided by the complainant. Spot was examined. Statements of witnesses were recorded. As per the video footage, Sandeep, Hasan, Naseeb Kumar, Ajit and Jai Singh are seen carrying weapons, whereas injured Savardeep is seen lying on the ground along with his motorcycle. Medical opinion regarding injuries suffered by Savardeep was obtained. Those injuries were initially declared as dangerous to life. Section 307 IPC was added. During further investigation, doctor opined that injury suffered on the head of Savardeep Singh was grievous in nature and so, Section 325 IPC was added. The Board

of Doctors of PGI, MS Rohtak later on gave opinion that injury to Savardeep was dangerous to life. Sandeep was arrested on 27.10.2023.

3.3 Status reports further reveal that in the same occurrence, complainant party also caused injuries to the accused-petitioner party, regarding which FIR No.353 dated 16.11.2023 under Sections 148/ 149/ 323/341/506 IPC was registered on the complaint made by Sandeep. During investigation, medical opinion qua injured Jai Singh was obtained and based thereon, Section 325 IPC was added. In view of medical opinion regarding injury on the person of Sandeep, Section 307 IPC was added.

4.1 It is contended by ld. counsel appearing for the petitioners that three persons from the complainant side namely, Hardeep, Savardeep and Krishan got injuries; whereas three persons from the accused side namely, Ajit, Jai Singh and Sandeep received injuries. Injuries to Krishan and Hardeep were declared simple. Two injuries are stated to have been suffered by Savardeep i.e. three parallel lacerated wound of size 6 x 2 x 1 cm over left saggital suture and one right to and other left to it, whereas second injury is reddish contusion on the thigh. Ld. counsel contends that injury No.1 on the person of Savardeep is the single injury, which is not attributed to any of the petitioners.

4.2 Ld. counsel for the petitioner Naseeb Kumar (*petitioner in CRM-M-4317-2024*) further contends that the only role attributed to the petitioner-Naseeb Kumar is to have given danda blow to Krishan, which is a simple injury; and that nature of injury on the person of Savardeep has been procured, as different doctors have given different opinion at different point

of time. It is further submitted that both the parties have received injuries and that it is a matter of trial, as to who was the aggressor.

4.3 Ld. counsel submits that both the petitioners are ready to join investigation and so, they be granted bail.

5. Ld. State counsel along with counsel for the complainant have opposed the petitions. It is contended by ld. counsel for the complainant that it is the petitioner party, which was aggressor, as is evident from the CCTV footage. Counsel for the complainant in CRM-M-4317-2024 has also placed on record pen drive as Annexure C1.

6. I have considered submission of both the sides and have appraised the record.

7. It is the conceded case that both the parties have sustained injuries in the same incident. Three persons namely, Ajit, Jai Singh and Sandeep sustained injuries from the side of accused/petitioner party; whereas three persons, namely Hardeep, Savardeep and Krishan sustained injuries on behalf of the complainant party. The complainant party of the present FIR are also amongst the accused of case FIR No.353 dated 16.11.2023. Section 307 IPC has been invoked in both the cases. Both the parties are relying upon different CCTV footage. It will be a matter of trial, as to which of the party is aggressor. The occurrence appears to have taken place on account of the earlier rivalry between the two parties.

8. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, both the petitions are allowed.

9. It is directed that in the event of arrest of the petitioners, they shall be released on bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that petitioners shall join the investigation, as and when so required by the Investigating Officer. They shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

Pending application(s), if any, also stand disposed of.

A photocopy of this order be placed on the file of other connected case.

21.03.2024

Vivek

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Whether reportable?

Yes

No