



218

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18744-2024**DATE OF DECISION: 17.07.2024****SAURABH BHARDWAJ****...PETITIONER****Versus****STATE OF HARYANA****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Jyoti Batra, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.
Mr. P.K. Parmar, Advocate for the complainant.

*********SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.0055/2024 dated 15.02.2024 registered under Sections 307/323/324/34/506 IPC at Police Station Sampla, Rohtak (P/1).

2. Learned counsel for the petitioner submits that in continuation to the previous proceedings on 20.05.2024 before this Court that petitioner has suffered nine injuries which are declared simple in nature who further submits that despite having simple injury, the petitioner has been dragged in the instant FIR whereby injuries referred to by the complainants side are also declared simple in nature. On this aspect, learned State Counsel has filed status report by way of affidavit of Vidyanand, HPS, Deputy Superintendent of Police, Sampla, District Rohtak, the same is taken on record along with doctors opinion on the injuries of the petitioner as well as on complainant and



one of the injured person, apart from the petitioner and complainant. With the assistance of learned State Counsel, the status report was perused and copy of which has been made available to the petitioner as well in the Court today. The relevant paragraphs No. 3 to 7 of the status report are reproduced below :-

'3. That after causing the incident when the petitioner was running from the spot, a mob of persons chased him and at that time a scuffle took place in which the petitioner had suffered the injuries his on person. The MLR petitioner Saurabh was conducted vide of MLR No.24/JK/2024 in which doctor has mentioned 9 injuries. The petitioner has suffered the alleged injuries at the hands of mob of peoples.

4. That in the MLR No.238/JK/24 dated 14/2/2024 of complainant 5 injuries have been mentioned as KUO Blunt. The BHT of petitioner- was obtained and doctor's opinion about the injuries of complainant was obtained on 28/4/2024. As per doctor's opinion all the 5 injuries complainant are simple in nature and caused by blunt weapon. The MLR of injured Krishan has been conduce vide MLR No.239/JK/24 dated 14/2/2024 in which doctor has mentioned 1 injury as KUO Blunt. The MLRS of complainant Sushila and Krishan are attached herewith as Annexure-R1 & R2. The doctor's opinion about the injuries of Sushila and Krishan have been obtained and their injuries are simple in nature. The doctor's opinion are attached herewith as Annexure-R3 & R4.

5. That no MLR of Pankaj has been conducted.

6. That there are total three injured in this case i.e. Sushila, Krishan and Saurabh (petitioner) and three MLRS have been conducted.



7. That the MLR No.240/JC/2024 dated 14/2/2024 of petitioner has been obtained. In his MLR 9 injuries have been mentioned as KUO Blunt. The petitioner has also suffered injuries in the incident. doctor's The opinion about injuries has been obtained and as per doctor's opinion all the 9 injuries are simple in nature.'

3. This Court after having gone through the status report as well as after having heard learned counsel for the parties, is of the considered view that after perusing the Medico Legal Report attached as Annexures-R1 and R2 which makes it crystal clear that the injuries have been declared simple in nature as has been referred in the Medical Legal opinion attached as Annexures R-3 and R-4 furnished to SI Joginder Singh, Police Station Sampla by Medical Officer, Civil Hospital, Sampla that the injuries suffered by the complainant are simple in nature and is caused by blunt object. The order sheet of 20.05.2024 would further depict that the arrest of the petitioner was stayed.

4. In the light of the above facts, offence under Section 307 may not be attracted and there is strong probability of acquittal. Considering the nature of the injuries suffered and cross-case wherein the petitioner has also initiated proceedings under Section 156(3) Cr.P.C., the petition is allowed if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.



CRM-M-18744-2024

-4-

5. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C as under :

- (i). a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

6. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

7. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.07.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No