

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-21911-2024 (O&M)
Date of Decision:- 23.05.2024

ANIL KUMAR

Versus

...Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. V.D. Sharma, Advocate for the petitioner.
Ms. Gaganpreet Kaur, DAG Haryana.
Mr. D.S. Virk, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
791	30.12.2023	147, 148, 149, 323, 324, 326 and 506 IPC	Rania, District Sirsa

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner also sustained injuries in the occurrence and remained admitted in the hospital for one week and the complainant party



was the aggressor. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by State and assisted by learned counsel for the complainant has opposed the present petition and stated that the petitioner was armed with *gandasi* and gave *gandasi* blow on the left leg of the complainant. The petitioner along with other co-accused caused multiple injuries to the complainant as well as the other injured. She has further submitted that co-accused Jaimal has been arrested in this case and in his disclosure statement, he has specifically named the petitioner to have actively participated in the commission of offence. Therefore, the custodial interrogation of the petitioner is required to recover the *gandasi* used by the petitioner in the commission of offence, hence, prayed for dismissal of the petition.

4. After considering the rival contentions and perusing the record, it transpires that the case of the prosecution is that on 29.12.2023, when the complainant-Raghubir Singh along with Mukesh Kumar were going towards the petrol pump at Village Bacher, they were stopped by the assailants including the petitioner. Petitioner-Anil Kumar armed with *gandasi*; Kapil armed with iron pipe; Jaimal armed with *danda*; Savitri Devi armed with sickle; Ravi armed with wooden stick; Ashok armed with iron pipe and two other unidentified persons armed with iron pipes attacked the complainant and Mukesh Kumar. Petitioner-Anil Kumar gave a *gandasi* blow on the left leg of the complainant and all the accused persons started giving blind blows on the complainant as well as Mukesh Kumar, due to which, they both

suffered multiple injuries. Thereafter, the assailants ran away from the spot alongwith the respective weapons. Both the complainant and injured were taken to the hospital where they underwent treatment. Injured Mukesh sustained 7 injuries, out of which injury No.2 was declared grievous in nature and complainant-Raghubir sustained 12 injuries, out of which injuries No.2 and 12 were declared grievous in nature. Moreover, co-accused Jaimal has since been arrested by the police and he has specifically named the petitioner to be an active member of the assailant party.

5. The perusal of the record would reveal the petitioner to have played active role in the occurrence whereby he, while being armed with *gandasi*, has inflicted multiple blows causing injuries on the person of the complainant and Mukesh Kumar. Therefore, considering the serious nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.05.2024
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |