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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : May 23, 2024

HARISH KUMAR

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Ravi Yadav, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.62 dated 13.04.2024, under Sections 147/148/149/307/323/506 of the IPC (Sections 341/325/279/427 of the IPC added subsequently), registered at P.S. Jakhal, District Fatehabad.

2. The allegations levelled in the present FIR against the petitioner are succinctly narrated in the hereinafter extracted paragraph No.7 of the order dated 14.05.2024, wherethrough, the learned Sessions Judge, Fatehabad, has declined anticipatory bail to the petitioners.

"7. Perusal of case file reflects that allegations against applicant-accused are that on 12.04.2024, at about 10.30 P.M., he along with other co-accused Bittu Saini etc., formed an unlawful assembly and in prosecution of their common object of said unlawful assembly, caused injuries to injured-complainant Sanjay Kumar; injured



Madan Lal; and injured Amanpreet Singh, with intention to cause their death. As per medico-legal reports, injured Amanpreet Singh received total 08 (eight) injuries on his person and injuries No.3 and 7 have been declared grievous in nature; injured-complainant Sanjay has received 04 (four) injuries on his person; while injured Madan Lal has received 08 (eight) injuries on his person; and injuries No. 3 and 7 on the person of injured Amanpreet Singh have been declared grievous in nature. Hence, allegations against applicant-accused are specific and serious in nature.”

3. The principal argument of the learned counsel for the petitioner is clothed in the fact that, the matter has been compromised *inter se* the accused persons (including petitioner) and the complainant. To substantiate this argument, he refers to Annexure P-3, which is a Panchayati Compromise, and wherein, the complainant has extended his ‘No Objection’ in case the petitioner/accused persons are granted bail, and/or, if the present FIR is quashed.

4. Nonetheless, the learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. To substantiate this argument, he has submitted that, when in the same accident, the petitioner had himself suffered grievous injury, i.e. fracture, therefore, he was not in a position to cause any injury(ies) to the victim/injured concerned. Moreover, consequent upon suffering injury, the petitioner was admitted in the hospital concerned at 04:00 p.m., whereas, the incident is alleged to have occurred at 10:30 p.m.

5. At this stage, Mr. Ravi Yadav, Advocate, has recorded his appearance on behalf of the complainant, under a memorandum of appearance instituted before this Court today, and, as prayed for, he is permitted to, within a week from today, file a validly executed Vakalatnama in his favour

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by the complainant, before the Registry of this Court. He has, apart from admitting the factum of compromise *inter se* the petitioner/accused persons and the complainant, also extended his 'No Objection' in case the petitioner is granted the relief of anticipatory bail.

6. This Court has heard the arguments advanced by the learned counsels for the parties and perused the entire record, however, is not inclined to grant the relief of anticipatory bail to the petitioner. The reasons for forming this inference are extracted hereinafter.

7. A close scrutiny of the record available before this Court reveals that, although a compromise has been effected in the present case, however, it has been effected only *inter se* the accused persons and the complainant/informer, whereas, the injured/victim Amanpreet Singh, who suffered as many as 08 injuries, including 02 grievous injuries, has not been arrayed as a party therein. The *prima facie* inference, as becomes generated from non-participation of injured/victim Amanpreet Singh in the compromise, is that, the complainant has entered into the said compromise just to give undue benefit to the petitioner/accused persons. Moreover, exclusion of injured/victim Amanpreet Singh from the compromise *prima facie* shows that the petitioner, who is on run, is in fact interfering in the administration of justice and as such, this act requires deprecation.

8. It would be apt to record here that, out of six accused persons, four have already been arrested, whereas, two accused persons, including the petitioner, are still at large.

9. Apart from the above, what has surfaced from record is that, the petitioner has been specifically named in the FIR, and that, he along with his co-accused inflicted 08 injuries to the injured/victim Amanpreet Singh,



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out of which, Injuries No.3 and 7 have been declared “grievous in nature”. Moreover, even the presence of the petitioner at the place of occurrence is not disputed.

10. For all the reasons (supra), this Court does not deem it a fit and deserving case for granting the extraordinary relief of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed**.

May 23, 2024
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(KULDEEP TIWARI)
JUDGE

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