



CRM-M-31437-2024

209 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31437-2024

Bhupender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-35439-2024

Sachin @ Sachin Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

Date of Decision : 02.12.2024

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vikram Singh, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG Haryana

Mr. Paras Choudhary, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. This order shall dispose of CRM-M-31437-2024 and CRM-M-35439-2024. The facts are being taken from CRM-M-31437-2024 for the sake of brevity.

2. Apprehending arrest in FIR No.135 dated 20.05.2024, under Sections 323, 325, 341, 506, 307 and 34 IPC registered at Police Station Sadar Safidon,



CRM-M-31437-2024

District Jind, the petitioner has preferred this petition under Section Section 438 Cr.P.C. for grant of anticipatory bail.

3. The contents of the above-mentioned FIR are reproduced herein below :-

"Action- dated 16.05.2024, complaint dated 15.05.2024 by Baljeet Singh son of Sewa Singh resident of Sheela Khedi. Sir it is submitted that I am Baljeet Singh son of Sewa Singh resident of Sheela Khedi Police Station Sadar Saifidon District Jind. That today dated 15.04.2024 at around 08:25 in the morning I was going with tractor trolley from my village Sheela Khedi to Aeroplane Rice Mill and when I was turning towards the mill I stopped at the side and then from the back one Maruti Eco car passed by and thereafter one person on motorcycle by looking at me gave abuses on which two persons were sitting and thereafter they came back and hurdled abuses and with kara (bracelet) in his hand boarded the tractor and gave me fist blows which were dangerous to life and a result of which I suffered injuries on head and the other person who accompanied him was instigating to kill me and then I ran from there by saving my life into the mill and those persons chased me and obstructed my way and attacked me with kassi which was lying there with deadly blows as a result of which I suffered injuries and I fell there and that person gave me threat to kill me and further he caught hold of my neck and on seeing all this incident from the fields my son Praveen reached there along with other persons (mill workers) who rescued me and on seeing the opportunity both the persons on bike ran away and at that time my son noted down the number which is HR 31 K 4193 name of Sahil who is having Mobile No.97296 71898 and thereafter we called 112 and gave information and we left for medical treatment to Civil Hospital Saifidon, thus it is prayed that action be taken against unknown persons Sd/- Baljeet Singh MOB 98132 74227 DATED 15.05.2024."

**CRM-M-31437-2024**

4. Learned counsel for the petitioner(s) *inter alia* submits that the petitioners have been falsely implicated in the present case. He further submits that the petitioners have not been named in the FIR. It has further been argued that there is no evidence available with the prosecution agency to link the petitioners with the alleged crime and no specific injury has been attributed to the petitioners. Learned counsel further submits that the petitioners are ready to join the investigation and cooperate therewith.

5. Per contra, learned counsel for the complainant and learned State counsel have vehemently opposed the submissions made by the learned counsel for the petitioners. Learned State counsel has placed reliance upon the status report dated 22.10.2024 wherein the following has been stated :-

“5. That then thereafter on 19.06.2024, opinion from the treating doctor of Churamani Hospital, Hisar regarding nature of injury No.2 and 3 was sought, who opined as under:-

This to verify that patient Baljeet, Age/Sex-60/M,S/o Seva Singh was treated at Khala Multispeciality Hospital, Hisar from 22 May 2024-25 May 2024 and 25 May 2024 to 1 June 2024. The patient had post traumatic splenic injury hemoperitoneum which was initially managed conservatively, but later required speeding in view of massive reverent bleeding. Operative finding are mentioned on operative finding: Around 1.5 liters of blood present in peritoneal cavity. Large perisplenic Hemaoma, large Lacerations present in spleen with active bleeding from splenic laceration Detailed o/f on discharged card). Emergency splenectomy was done and patient improved after surgery.

The above mentioned injury was dangerous to life. This splence injury is corresponding to injury over back mentioned in MLR as Injury 2 and 3(MLR No. SKK/SFD/014/2024) dated 15.5.24 injured Baljeet.



CRM-M-31437-2024

Sd/ Dr. Amit Dangi

19/6/24

Dr. Amit Dangi

MCH Surgical Gastroenterology

Khalsa Hospital (Inside Churamani Hospital)

Hisar."

It is further submitted that on 22.06.2024, on the basis of above opinion, further opinion of the concerned Medical Officer of General Hospital, Jind was sought, who opined as under:-

"Opinion regarding the injury No.2 in MLR No. SKK/SFD/014/2024 dated 15/5/24 of Baljeet. On keen observation of the opinion given by treating Surgeon (Dr. Amit Dangi, Churamani Hospital, Hiasr) dated 19.06.2024, I am of the opinion that my opinion is consistent with that of the treating Surgeon. The treating Surgeon opinion has been seen & signed by me.

Sd/- Medical Officer, (HCMB1)

Civil Hospital, Jind."

Further on 22.06.2024 on the basis of above mentioned medical opinion section 307 IPC was invoked in this case.

9. *That with regards to complicity of the petitioner in the instant case is concerned, it is submitted that during the course of the investigation sufficient incriminatory evidences came on file, as discussed above in detail, to establish that on 15/05/2024, the petitioner and co-accused/ his nephew Sachin Kumar son of Bijendra, resident Jamani were going on motorcycle no. HR-31K-4194 Make Bajaj Pulsar to go to Panipat. When they reached near Aeroplane Rice Mill on Jind to Safidon main road, at around 8-30 AM, a tractor driver ahead of them turned his tractor towards the Rice Mill due to which their motorcycle narrowly escaped an accident. They got angry about this and the petitioner and co-accused Sachin stopped the tractor driver by taking their motorcycle ahead of him. They got into a fight and scuffle with him. They gave beating him and when the tractor driver broke away from them and ran towards Rakhi gate of*

**CRM-M-31437-2024**

the rice mill, then they chased him and caught him. There was a sickle lying near the Rakhi gate of the rice mill. The co-accused Sachin picked it up and brought it and hit the same to tractor driver (complainant) and inflicted injuries upon him. They by getting chance tried to flee away from there then son of the complainant clicked the photo of the number plate of the motorcycle which is HR31K-4193 and informed to police on helpline number dial-112. The allegations levelled against the petitioner are serious in nature.”

6. It has further been argued that on 19.08.2024, during the course of investigation of the case, Bhupender Singh and co-accused Sachin, who were granted interim bail by this Court joined the investigation and during the course of investigation sufficient incriminatory evidence was collected and on interrogation, they suffered disclosure statements admitting to have committed the offence. The petitioners disclosed that they had inflicted the injuries upon the complainant with the binda of Kassi. Further the petitioners in furtherance of the disclosure statement got demarcated and identified the place of occurrence. It is further submitted that during the course of investigation of the case the petitioner-accused Bhupender Singh also produced motorcycle bearing registration No.HR-311K-4194 used in the commission of crime and the same were taken into possession through separate recovery memo. On the same day i.e. 19.08.2024, the complainant was joined in the investigation of the case and his statement under Section 161 Cr.P.C. was recorded. He identified the petitioners to be the same person, who had inflicted injuries upon his person and the investigation of the case is still going on.

7. Heard the rival submissions made by learned counsel for the parties and perused the record.



CRM-M-31437-2024

8. In *Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)*, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr. PC is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then,*



CRM-M-31437-2024

person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

9. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

10. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694*** rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.”

11. There are serious allegations against the petitioners. As per the doctor opinion one of the injuries has been declared dangerous to life. The petitioners have been duly identified by the complainant and in order to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner(s) at this stage.

12. Both the petitions are dismissed.

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

14. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(KIRTI SINGH)
JUDGE

02.12.2024

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