



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-32828-2024

Date of decision: 05.08.2024

Sanjeev Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.V. Dhindsa, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Saransh Sabharwal, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0085 dated 25.04.2024 under Sections 323, 34, 506 of the IPC (Sections 325, 307 of the IPC added lateron), registered at Police Station Raipur Rani, District Panchkula.

2. On the last date of hearing, the following submissions were made by learned counsel for the petitioner:-

“At the outset, learned counsel for the petitioner has drawn the attention of this Court to the contents of the FIR, which has been reproduced in the body of the petition; it has been asserted that as per the case of the complainant himself, two acres of land had been given to the accused party on lease from the year 2019 to 2024 and there was a dispute pending between the parties qua the same. Learned counsel has submitted that though an application for stay had been moved before the learned Civil Judge, however, there was no interim order in favour of either of the parties and hence, it was evident that the accused party was in possession of the leased land. It has been further argued by the learned counsel that in fact it is evident on a bare perusal of the allegations levelled in the

FIR that it was the complainant party who was trying to reap crops on the leased land; the complainant party had in fact launched an unprovoked attack on the accused party which fact is corroborated from the Medico Legal Report (MLR) (Annexure P-3) of none other than the petitioner wherein it stands reflected that he suffered following four injuries:-

Sr. No.	Injuries
1.	<i>Two linear split lacerations over lateral aspect of upper left arm, fresh bleeding present largest being 4x0.2x0.2 cm in size, Antiseptic dressing done ADV X ray left arm AP and lateral. Surgeon Opinion.</i>
2.	<i>Multiple reddish bruise marks over anterior aspect of bilateral chest extending till neck, skin over wounds intact ADV CXR AP View. Surgeon Opinion.</i>
3.	<i>Linear abrasion over left forehead about 0.5x0.1 cm in size, clotted blood present ADV X ray skull AP and lateral. Surgeon Opinion.</i>
4.	<i>Pain and tenderness over calf region of bilateral legs, No external mark of injury seen. No swelling, tenderness present ADV X ray bilateral leg AP and lateral.</i>

Learned counsel submits that soon after the occurrence in question on 25.04.2024, the petitioner was medico legally examined at the Community Centre, Raipur Rani and, hence, the nature of injuries sustained by any stretch of imagination could not have been said to be by a friendly hand as they were all over the body of the petitioner. Learned counsel has further argued that the injuries which were sustained by the complainant party at the hands of the accused including the petitioner were thus in right of their private defence.”

3. On being put to notice, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the petitioner tried to mislead this Court on the last date of hearing by submitting that there was no interim order in favour of

either of the parties pertaining to the property on which the occurrence in question took place. Learned counsel for the complainant has placed on record a copy of the order dated 22.02.2024 passed by learned Civil Court at Panchkula, and submitted that the accused party had been restrained by the aforesaid order from interfering with the complainant's party peaceful possession of the suit property. It has been argued that in fact it was the complainant party which was in possession of the leased property. Still further, the complainant party sustained multiple serious injuries which find corroboration by their medico legal reports. Learned counsel for the State as well as complainant have asserted that given the interim order in favour of the complainant party by the learned Civil Court, Panchkula, it is evident that it was the petitioner and the co-accused who had violated this order and attacked the complainant party. In fact, if the petitioner sustained injuries, it was due to the complainant party exercising their right of private defence.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail. Accordingly, the instant petition is hereby dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.08.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)

JUDGE