



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

CRM-M-36449-2024

Date of Decision : 31.07.2024

WAJID

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sanyam Khetarpal, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.87, dated 13.03.2024, under Sections 148, 149, 323, 324, 395 and 506 of the IPC (Section 326 IPC added later on), registered at Police Station Sadar Nuh, District Nuh, Mewat.

2. The prosecution agency was set into motion on a statement made by Rafiq son of Akbar, which reads as under:-

“To, Police Incharge, Police Station Okada, Police Station Sadar Nuh District Nuh. Subject regarding taking legal action against 1. Wajid 2. Imran 3. Tohidd sons of Ratti 4. Farjana daughter of Ratti 5. Mehmuna wife of Ratti 6. Gulapsa wife of Imran and two other residents of Malab Police Station Sadar Nuh District Nuh. Sir, I Rafiq son of Akbar residing in Malab village, Police Station Sadar Nuh District Nuh, I belong to a peaceful and respectful family and the aforementioned accused are thugs and criminals. The accused Wajid has several criminal cases against him and he always carries illegal weapons without hesitation to commit crimes. On the dated 06.03.2024, around 3:30 pm, my cousin brother Nosad son. of Hafiz

was going to the market from home to buy groceries when the accused Wajid cornered him on the way and brutally assaulted him. Nosad managed to escape and ran home. When he informed his wife Samina, who complained about the incident to the accused Mehmuna. In response, Mehmuna, Farjana, and Imran also gave beatings to Samina, gave her fist blows on her face. However, she managed to save her life and returned home, all the accused, Wajid, Imran, Tohid, Farjana, and Mehmuna, conspired together, armed with sticks, rods, axes, and spades, stormed into our house and brutally attacked us. Imran hit Samina's forehead with a stick, Farjana hit her eye with a rod, and Mehmuna hit Samina's hand with a stick. When my father, Akbar, tried to intervene, the accused Imran attacked him with a stick intending to kill him, but my father blocked the blow with his hand. The accused Wajid attacked him with an axe on his head intending to kill him, but he also managed to deflect the blow with his hand. Mehmuna hit my father's thumb directly with a stick, and the accused Yajind hit Javed's teeth with an axe, while Gulapsa, Farjana, and Tohid hit Javed's legs with sticks. We shouted for help, and many people from the neighborhood came to our rescue. Even then, the accused threatened us, saying, "Today you were saved, but someday we will kill you." After that, we went to the Civil Hospital Nuh for treatment, where our MLR was recorded. Due to the critical condition of my father, we were referred to Nalhad Medical College, where he is still admitted to Mandikhera Hospital. Until now, we were busy with treatment, now I am filing a legal complaint. Therefore, I request strict legal action against the aforementioned accused. Date: 07.03.2024, Applicant: Rafiq son of Akbar, Resident of Malab village, Police Station Sadar Nooh District Nooh, Contact: 8053115360. ”

3. During investigation, it reflects that the injury which is attributed to the present petitioner was declared as grievous in nature and therefore, on the opinion of the doctor provision of Section 326 IPC was added later on.

4. Learned counsel for the petitioner in asking for the relief (*supra*), submits that in fact the present FIR, is a result of concoctions, as even they have implicated one Gulapsa, ex-wife of petitioner's brother, who is stated to be living separately for the last five years.

5. He further submits that in this scuffle the sister and brother of the petitioner, has also suffered injuries, and in fact, they are not aggressor, whereas, aggressor is the complainant party.

6. He further submits that despite filing numerous complaints by the petitioner, no action has been taken by the police authorities on their complaint.

7. Notice of motion.

8. Mr. Rajesh Gaur, Addl.A.G., Haryana, accepts notice on behalf of respondent-State, and waives service. He further opposed the grant of relief (supra), to the petitioner.

9. This Court has specifically put a query to learned counsel for the petitioner, whether, there is any evidence on record to reflect that Gulapsa, who has been involved in the instant petition, was living separate for the last five years, to which he answered in negative.

10. Further the photographs of the sister of the present petitioner, which is annexed as Annexure P-4, reflects that it is a scar of an old injury. Therefore, whether, the injury has been suffered by the sister of the petitioner in the instant scuffle or not, it is a matter which requires investigation. Therefore, this Court refrains itself to comment anything upon it.

11. What clearly reflects from the instant petition that the petitioner is the main person who caused injuries with a sharp edged weapon, which was subsequently declared grievous in nature. It further reflects from the record that the petitioner is involved in one other criminal case.

12. Therefore, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the present petitioner. Consequently, the petition is **dismissed**.

July 31, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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