

210/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36931-2024
Date of Decision:13.08.2024

Rajiv Kumar @ Raju ...Petitioner

Vs.

State of Haryana ...Respondent

(ii) CRM-M-38050-2024

Vansh ...Petitioner

Vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Namit Khurana, Advocate for the petitioner in
CRM-M-36931-2024.

Mr.Rishi Pal Chaudhary, Advocate
for the petitioner in CRM-M-38050-2024.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Diwan S. Adlakha, Advocate
for the complainant.

N.S.Shekhawat J.

1. This order shall dispose off two bail petitions i.e
CRM-M-36931-2024 titled as “*Rajiv Kumar @ Raju Vs. State of Haryana*”
and CRM-M-38050-2024 titled as “*Vansh Vs. State of Haryana*”, whereby the
petitioners have prayed for anticipatory bail in case arising out of FIR No.167
dated 11.07.2024 registered under Sections 109,115,127(2),3(5) and 351(3) of
B.N.S, Police Station Radaur, Yamuna Nagar.

2. The FIR in the present case was registered on the basis of the



statement made by Ganipal son of Jarnail Singh. As per him, in the evening of 04.07.2024, an altercation had taken place between him and Vansh son of Sanjeev Kumar. They were separated and Vansh had threatened him. At about, 05:30 P.M on 05.07.2024, Ganipal and his friends Vijendra son of Babu Ram and Raheel Yasian Radaur were going on their motorcycle and stopped in front of shop of father of Vansh. Vansh and his father Sanjeev Kumar came out and started abusing and grappling with the complainant and his friends. Vansh and Sanjeev Kumar pulled the complainant inside the shop, where Raju and Satpal were also present. Vansh, Sanjeev Kumar, Raju and Satpal had beaten the complainant badly. Sanjeev Kumar and Raju gave blows with scissors on his back. On the other hand, Satpal and Vansh had caught hold of the complainant with his hair and gave him blows with slaps and fists. His friends fled away from the spot and they intimated his uncle namely Soni Pal. On getting the information, his uncle Soni Pal reached at the spot and had rescued the complainant/injured and he was shifted to Government Hospital, Radaur. From Government Hospital, Radaur he was referred to Government Hospital, Yamuna Nagar and he was taken to Gaba Hospital for treatment and was admitted there. With these broad allegations, the FIR in the present case was registered against both the petitioners.

3. Learned counsel for the petitioners contend that in fact, the complainant party in the present case was real aggressor. On 05.07.2024, Ganipal, complainant with his friends came on motorcycle and had trespassed in the shop of father of Vansh, petitioner. Even, the complainant side had caused the injuries and Rajiv Kumar @ Raju, petitioner had reached at the spot



after the 05 minutes of the occurrence. Even one FIR No.166 dated 11.07.2024 under Sections 115, 3(5), 333, 351(3) of B.N.S, Police Station Radaur, Yamuna Nagar (Annexure P-2) was ordered to be registered against the complainant side in the present case. As a counter-blast, the present FIR was got registered by the complainant. Learned counsel further submits that in the present case, the question of aggressor is yet to be decided by the Trial Court after appreciating both the versions. Learned counsel for the petitioners vehemently argued that on perusal of the MLR of the complainant, it is evident that the said injuries are not possible with a scissor and even the medical record was manipulated. Learned counsel further contends that the occurrence had taken place on 05.07.2024 and the FIR was got registered by the complainant on 11.07.2024 i.e after the delay of 06 days and the petitioners deserve the concession of bail.

4. Reply by way of an affidavit of Deputy Superintendent of Police, Yamuna Nagar-III has been filed on behalf of respondent-State in CRM-M-36931-2024 and the same is taken on record.

5. On the other hand, learned State counsel assisted by learned counsel for the complainant had vehemently opposed the submissions made by learned counsel for the petitioners and submitted that in the present case, the complainant had suffered the following injuries:-

1. Lacerated wound of size 1cm x 0.2cm x 0.6cm over mid upper back. Adv. ortho Surgeon opinion.

2.Lacerated wound of size 1cm x 0.2cm x 0.6cm over left side mid back. Adv. ortho opinion.

3. C/o pain in lower abdomen, no fresh external injury mark seen. Adv Gen Surgeon opinion.



4.C/o Pain and swelling over mid forehead. Adv. NCCT head and Gen Surgeon opinion.

5. C/o Pain, swelling over left side forehead and cheek. Adv Dental Surgeon Opinion.

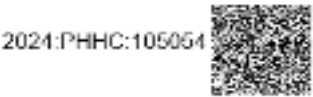
6. C/o pain in nose, no fresh external injury seen. Adv. ENT surgeon opinion.

7.Swelling over occipital region of skull. Adv. NCCT Head and Gen Surgeon opinion.

Still further, the opinion with regard to the injuries was obtained from Gaba Hospital, Yamuna Nagar and the Medical Officer had declared the injuries sustained by the Ganipal, complainant as grievous and dangerous to life as in the natural course of events, these injuries could lead to death. Learned State counsel further submits that the petition(s) deserves to be dismissed by this Court.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. From a bare perusal of MLR (Annexure R-1), it is apparent that in the present case, out of total 07 injuries, 04 injuries are only complaint of pain in different parts of the body, whereas, injury No.7 is swelling over the occipital region of skull and the said injury was also simple. However, the injuries were declared to be grievous in nature and dangerous to life. In fact, such an opinion falls within the definition of “Grievous Injury”. Still further, it is case of version and cross version and the occurrence had admittedly taken place at the shop of the accused. Thus, the question of aggressor is yet to be decided by the Trial Court after appreciating the evidence led by both the sides.



8. Without commenting on the merits of the case, both the petitions are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

13.08.2024

(N.S.SHEKHAWAT)

JUDGE

hitesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No