



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

105

CRM-M-41657-2024

Date of decision: 28.08.2024

Parveen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurmeet Singh Saini, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.240 dated 14.04.2024 under Sections 147, 148, 149, 323, 324 and 452 of the IPC (Sections 326 and 506 of the IPC added lateron), registered at Police Station Rania, District Sirsa.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon him which is evident from an inordinate and abnormal delay of more than 24 hours in getting the two injured i.e. injured/complainant Rajbala and her son Bablu medically treated. Learned counsel submits that no doubt one of the injuries was opined to be an incised wound on the right frontal aspect of injured/complainant Rajbala, however, it was apparently caused by a friendly hand, moreso, when there was a specific opinion given by the treating doctor that the injury had been sustained in the preceding six hours of her medical examination. Learned counsel, thus, argues that all these circumstances i.e. the occurrence having taken place on 12.04.2024 at 08:30 p.m. and the injured having been examined much



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later on 13.04.2024 at 11:40 p.m., and still further the FIR being lodged after a delay of more than 27 hours, when cumulatively seen and appreciated clearly point to the petitioner's false implication in the present case.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel has submitted that in fact the occurrence had taken place at 08:30 p.m. on 12.04.2024 and both the injured i.e. complainant Rajbala and her son Bablu were removed immediately to the hospital where they were medico legally examined at about 11:40 p.m. on 12.04.2024 itself, hence, submissions made by learned counsel for the petitioner are totally misleading and contrary to the material on record. It has also been submitted by the learned State counsel that the allegations levelled in the FIR find due corroboration with the medical evidence. In support, learned State counsel has filed copies of medico legal reports of both the injured in the Court today, which are taken on record subject to all just exceptions. A prayer has, therefore, been made by learned State counsel for dismissal of the instant petition in the wake of the mode and manner in which the crime in question was executed by the petitioner and the co-accused.

6. I have heard learned counsel for the parties and perused the relevant material on record including the medico legal reports of both



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the injured which have been placed on record by the learned State counsel in the Court today.

7. Before proceeding further, it would be relevant to reproduce the contents of the FIR which are as under:-

“Statement of Rajbala wife of Om Parkash resident of Bani No. 1, age about 42 Years, Mob. No. 99912-74007. I hereby state that I am resident of above mentioned address and I do household work. On dt. 12.04.2024 at time about 8:30 PM Jaita wife of Patram resident of Bani was speaking abusive language to us and I said to her that why are you speaking abusive language. Then she lifted stone from the street and threw and I thought that she is in mood to fight. Then I called my son Bablu inside and bolted the gate and came inside our house. A short while later Sohan son of Patram, Vikram son of Sohan Lal, Kamlesh wife of Sohan, Suman @ Tota wife of Rajender, Jaita wife of Patram, Praveen son of Patram and Ashwani son of Dara Ram residents of Daulatpura (Rajasthan) Current R/o Bani No. 1 came in connivance with each other and started throwing bricks/stones at our house. Then Vikram opened the bolt of our gate by climbing over the wall and all of them entered into our house. I came out of the room and Praveen gave blow of kappa, which he was holding in his hand, in my head and I fell down and all of them gave me leg blows and punches. On hearing the noise of disturbance my son Bablu came and he tried to save me but they inflicted many injuries to him also. Then we raised alarm of 'maar-diya, maar-diya' and on hearing our voice my brother-in-law (jeth) Parman son of Raja Ram resident of Bani came and he raised lalkara and all assailants fled away from the spot alongwith kappa and at the time of fleeing away they gave threat that today you have been saved, next time we shall kill you. Then Parman arranged vehicle and admitted us at CHC Rania for medical treatment, where, doctor sahib gave us first-aid and referred us to GH Sirsa, where, we are under medical treatment. Sohan, Vikram, Kamlesh, Tota, Jaita, Praveen, Ashwani have inflicted injuries to me and my son Bablu by entering into our house without any reason. Legal action be taken against them. I have recorded my statement to you, heard, understood, is correct. Sd RTI Rajbala.”

8. A perusal of the FIR reveals that the petitioner was not only specifically named by the complainant in the FIR which stands



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reproduced hereinabove, he along with the co-accused trespassed into the house of the complainant by scaling the wall and opening the main gate of the house; the petitioner was armed with a kappa with which he inflicted injuries on the head of complainant Rajbala; when her son Bablu rushed to her rescue, he too was not spared and all the assailants including the petitioner inflicted injuries on his person which then attracted some relatives of the complainant. While fleeing away from the spot with their respective weapons, the petitioner did not hesitate to threaten the complainant that she would not be spared in future in case he got another chance. Injury inviting the mischief of Section 326 of the IPC has been specifically attributed to the petitioner. It also needs to be pointed out that son of the complainant sustained as many as five injuries on his person. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail. The instant petition stands dismissed accordingly.

9. 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.

28.08.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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