

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46630-2024 (O&M)

Date of Decision: 24.09.2024

Navjeet Singh @ Navi

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Munish Kamboj, Advocate for the petitioner

Mr. BS Virk, Sr.DAG Haryana

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Section 439 CrPC, for grant of regular bail to the petitioner in case FIR No.919 dated 09.12.2023 under Sections 323/324/341/506/34 IPC (Section 307 IPC added later on), registered at Police Station Civil Lines, Sirsa.

(2). Facts as culminating in the FIR is reproduced as under:-

“Statement of Himanshu alias Honey Pahadi son of Tejpal Chauhan resident of Prem Nagari Kirti Nagar Sirsa age 25 years mobile no. 97290- 94446 stated that I am a resident of the above address, I am 10th pass, we are two siblings, my elder sister Deepika is married, I am single, I had worked at a cloth shop for six months earlier, now I am unemployed. On 07.12.2023, I and Rupesh son of Kalu Shah resident near Gol Tanki near railway station, Adampur, District Hisar, we went on motorcycle no. HR24F-0717 SPL Plus to attend the date of hearing in Sirsa court, when at around 1.00 PM after getting free from the court Sirsa, we reached near the judges' kothi a little ahead of the temple on the motorcycle, then a white car SWIFT DIZRE hit my motorcycle from the side and we fell down. Then from the car, Mani Rathore S/O Vijay Rathore resident in front of Maharaja Place, Dabwali Road Sirsa holding a Kaapa in his hand and Navjeet alias Navi Sindhu son of Deshraj R/O village Ahmedpur, Police Station

Sadar Sirsa holding a sword in his hand and Vikash alias Vicky Gonder S/O Kalu resident of Nohariya Bazar Sirsa holding an Gandasi in his hand, all three got down from the car and together they challenged me, "Honey Pahadi, today we will make you pay for being a criminal. At the same time, Rupesh and started running. I fell down by hitting the bricks. Then Mani Rathore attacked me on the fingers of my left hand with the Kaapa in his hand, then he hit me with the second time with Kaapa near the left hand, then he hit me with reverse side of Kaapa, above the right eye on the forehead, then again he hit me with reverse side of Kaapa on my left feet. Then Vikas alias Vicky Gonder attacked me with the Gandasi he had in his hand. He hit the Gandasi directly below the left elbow, then another blow of the Gandasi was struck straight below the knee of the right leg, then another blow of the Gandasi was struck near the palm of the left hand, then another blow of the Gandasi was struck on left foot, then Navdeep alias Navi Sindhu struck the sword held in his hand straight near the left elbow, then another blow with the reverse side of sword on the left ankle and once again with the reverse side of sword on the thumb of my right hand. I shouted, "Maar Dia Maara Dia" and seeing my friend Rupesh and other passersby gathering around me, they said, "Today you have been saved, if we meet you again, we will kill you" and all three, Mani Rathore, Navjeet alias Navi Sindhu and Vikas alias Vicky Godar, fled from the scene in a white Swift Dzire car with their weapons. Then my friend Rupesh and other friends got me admitted to the Government Hospital, Sirsa. The doctor bandaged my wounds. Yesterday I was not in my senses due to severe injuries. Today I have written my statement in full consciousness. Legal action should be taken against Mani Rathore, Navdeep alias Navi and Vikas alias Vicky Godar. I have got written my statement to you. You have read it out to me, which is fine. SD Himanshu"

- (3). Learned counsel for the petitioner submits that as per the version of the FIR, the petitioner and co-accused have given simple injuries and Section 307 IPC was added subsequently to show that injuries were serious in nature inasmuch only 11 injuries were found on the body of the complainant

which were found to be non-vital part of the body. He submits that even as per the doctor opinion, the injuries were termed to be not dangerous to life.

(4). It is urged that the complainant himself is of a criminal antecedents and mostly remains in jail and in the present case also, he was the aggressor party. Counsel seeks parity and places reliance on the orders dated 05.07.2024 and 19.07.2024 passed in CRM-M-30954-2024 and CRM-M-33391-2024 vide which co-accused, namely, Ravi and Kamal Kumar, respectively, have been granted regular bail by this Court.

(5). Learned State counsel has placed on record custody certificate dated 23.09.2024 which is taken on record, according to which, the petitioner has undergone 9 months and 13 days of custody. He submits that pursuant to submission of challan on 08.02.2024, charges have been framed on 06.09.2024 and out of total 17 PWs, none have been examined till date. He opposed the prayer for regular bail on the ground that the petitioner has been found with tainted history of 5 criminal cases to his credit which includes criminal trespass, theft and also under NDPS Act. He raised suspicion that if the petitioner is let off, he may abscond and again indulge in such crimes.

(6). Heard learned counsel for the parties.

(7). The police report reveals a disturbing incident where the petitioner and co-accused, armed with deadly weapons like kirpan, sword, and gandas, launched a vicious attack on the complainant, inflicting eleven severe injuries. The allegations against the petitioner are extremely grave, and the fact that challan has already been filed in court underscores the severity of the situation. Although the material witnesses are yet to be examined, there is a legitimate concern that if the petitioner is granted bail, he may abscond, evade trial, and

intimidate witnesses. Notably, co-accused Ravi and Kamal Kumar were granted bail by this Court, however, the petitioner's case stands on a different footing, as his name and role was explicitly mentioned in the complainant's initial statement, whereas the co-accused were only named in the supplementary statement without specific roles attributed to them. The petitioner's alleged actions, including causing multiple injuries to the complainant with sword blows, demonstrate a clear intent to harm. It is not that the petitioner is first time offender albeit, he has been found involved in 5 criminal cases of different sorts including two cases under the NDPS Act which is concerning.

(8). Taking into consideration the totality of the circumstance, this court does not find it a fit case to grant the concession of regular bail to the petitioner.

(9). Dismissed.

(10). However, nothing expressed herein shall, in any manner, influence the trial Court.

24.09.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No