



CRM-M-47872-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47872-2024 (O&M)
Date of Decision : 28.10.2024

Rahul

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anil Mehta, Advocate and
Mr. Nishant Indal, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

Mr. Jaivir Yadav, Sr. Advocate with
Ms. Parul, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

1. This is the second petition filed under Section 482 of BNSS for grant of anticipatory bail in case FIR No.239 dated 26.08.2024, under Sections 114, 190, 191(3), 351, 110 of BNS, 2023 (Sections 333, 109(1) of BNS, 2023 added later on).
2. Earlier the petitioner had moved this Court for grant of anticipatory bail by filing CRM-M-44605-2024, which was dismissed as withdrawn with liberty as prayed for.
3. Succinct factual narrative relevant for the disposal of the instant petition is that on 26.08.2024, the police received information about a fight in village Palra, involving injuries to Ramniwas, Jaibhagwan, Rakesh, and Pardeep.



The investigating agency first went to CHC Dubaldhan for the Medical Legal Report (MLR) of the injured, who were later referred to PGIMS Rohtak. At PGIMS, Ramniwas filed a complaint stating that about 10 days prior, a village panchayat concerning land issues led to an altercation with several individuals (including Rahul, Somdev, and others), who behaved indecently towards his family. On the night of the incident, while having dinner at 9.00 p.m. Ramniwas and his family heard noise outside and saw the accused armed with iron rods and sticks. They attacked Ramniwas's brother Jaibhagwan and others, causing injuries. Following the complaint, the aforementioned FIR was registered under various sections. During the investigation, a site inspection was conducted, and witness statements were recorded. On 28.08.2024, additional complaints from Jaibhagwan and Rakesh led to the inclusion of Section 333 BNSS in the FIR. During the course of investigation, on 31.08.2024, injured Pardeep moved is complaint and also recorded his statement wherein he disclosed that he was inflicted head injury by iron rod with the intention to commit murder by the petitioner, hence, Section 109(1) BNS was added to the present FIR.

4. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and no specific role has been attributed to him. He further submits that the petitioner has been implicated in this case due to high handedness of the police and due to political reasons. Learned counsel further submits that except one injury on the person of injured Pardeep, all the injuries are simple in nature. Section 109(1) of BNS was added only to involve the petitioner in serious offence.

5. Per contra, learned State counsel while placing reliance upon status

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CIA Jhajjar vide order dated 06-09-2024 and further investigation of the case was carried out by the CIA Jhajjar. He further submits that during the course of investigation, discharge summary, X- ray report, MRI and CT Scan report of injured Pardeep was obtained from Artemis Hospital, Gurugram where injured Pardeep took his treatment and complete medical record of the injured Pardeep was also obtained from PGIMS, Rohtak. During the course of investigation, on 25.09.2024, medical opinion qua the injured Pardeep was obtained wherein injury No.1 was declared grievous in nature and hence on its basis Section 117(2) BNS was added to the present FIR. Learned State counsel submits that apart from present FIR following FIRs are found registered against the present petitioner:

- (i) *FIR No. 161 dated 16.05.2020 U/s 323, 341, 420 of IPC PS Beri wherein the petitioner is on bail and now the case is fixed for 31.10.2024 for PWs.*
- (ii) *FIR No.391 dated 13.11.2020 U/s 506, 34 IPC and 3 SC and Act PS Beri in which the petitioner has acquitted.*
- (iii) *FIR No.278 dated 26.06.2022 U/s 147, 149, 323, 506 IPC PS Beri wherein bailable warrants have been issued against the present petitioner now case is fixed for 08.01.2025 for appearance of the petitioner and co-accused.*

6. Learned senior counsel for the complainant has opposed the grant of anticipatory bail and submits that the petitioner's claims regarding no specific role or injury attributed to the complainant is false. The FIR states that Pardeep, son of Jai Bhagwan, was struck on the head with an iron rod by the petitioner, causing him to fall unconscious. Pardeep was hospitalized at PGI, Rohtak, and then ARTEMIS Hospital, where he remained from 26.08.2024 to 30.08.2024. On 31.08.2024, Pardeep gave a statement confirming that the petitioner inflicted the

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iron rod blow, resulting in a fracture of his left parieto-temporal bone. Relevant documents, including Pardeep's statement and the medical discharge summary, are attached as Annexure R-2/1 and R-2/2. He further submits that the petitioner's assertions of being falsely implicated due to political pressure or rivalry are baseless. His presence at the incident is acknowledged from the fact that he admits his presence at the time of occurrence with reference to his MLR. The injury led to significant consequences, including speech impairment and weakness in Pardeep's right arm, justifying the addition of charges under Section 109 of BNS, 2023.

7. Heard the rival submissions made by learned counsel for the parties and perused the record.

8. There are serious allegations leveled against the petitioner that the petitioner with the intention and knowledge had inflicted an iron rod blow on the vital part of injured Pardeep i.e. head resulting in the fracture of his left temporal bone and other injury has resulted in a fracture and also led to his impairment of speech and weakness in his right upper limb. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

9. The petition is dismissed.

10. Pending application(s), if any, stand disposed of.

28.10.2024

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**(KIRTI SINGH)
JUDGE**