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

CRM-M-49423-2024

Date of Decision: October 01, 2024

AJIT SINGH

....Petitioner(s)

VERSUS

STATE OF HARYANA

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shantanu Bansal, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 438 Cr.P.C. has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.144 dated 26.03.2024 under Sections 147, 148, 149, 324 and 506 of IPC, 1860 (Sections 325 and 326 of IPC added later on) registered at Police Station Bhiwani Sadar, Bhiwani.

2. The Prosecution story set up in the present case as per the version narrated in the instant FIR reads as under :-

'In the service of SHO Sir, Police Station Sadar Bhiwani, Sir, I humbly request that I, Krishna Kumar, son of Nihal chand, am a permanent resident of village Dharedu Bhiwani. My age is 41 years. I have passed class 6 and I am supporting my family by driving an e-rickshaw. I am a heart patient and have two stents inserted and am also physically weak. On



25.03.2024, at about 5 pm, a wrestling competition was going on in Shri Shyam Baba Temple wherein, during wrestling competition, Bhim Nambardar son of Omi and Shri Bhagwan son of Norang fought with my my brother's son Harish S/O Shri Dutt and slapped and punched my nephew and tried to kill him by abusing him. Thereafter, Bidu (Shri Bhagwan) son of Norang called and informed his family members whose names are Ajit son of Bedu (Vedprakash), Sombir son of Vedprakash, Satbir son of Omprakash (Omi) and Dayanand son of Omi, Deepak son of Harikishan, Karambir son of Harikishan, Ajit son of Prakash, Manoj son of Ramesh, Monu son of Murari, Sunil son Pappu, Manish son of Pappu, Govind son of Pawan, Sanjay son of Indra, Subodh son of Mageram, who armed with deadly weapons attacked Vipin son of RamMehar, Harish son of RamMehar, Karmaveer son of Jaikumar, Tinku son of Pawan, Rohit son of Pawan. All of them together tried to kill my nephew. The villagers intervened and got my nephew released and sent him home. I was going home from the temple and my son Sahil was also with me. On the way, when we reached near the house of Bhim son of Omi, Monu son of Murari attacked me with an axe which hit my left hand and Ajit son of Prakash hit me on the head with a stick and Vipin son of Rammehar attacked with a stick which hit my left elbow. My son Sahil was attacked on the head with a stick by Bhim son of Omi Nambardar and Rammehar son of Nanhata hit on the right hand with a stick. Thereafter, Monu son of Murari, Vipin son of Rammehar, Manish son of Pappu (Umed), Sunil son of Umed and Subodh son of Mageram entered the house and attacked my nephew Vikas son of Umed with sharp weapons and also injured my daughter-in-law Richa wife of Deepak on the hand. Thereafter, Radheshyam son of Netram who was trying to intervene was attacked on the head by Manoj son of Ramesh with a gandasi and Murari son of Nanhata, Sanjay son Indra, attacked with a stick due to



which he fell on the ground. After falling on the ground, Mohit son of Babulal and Karmaveer son of Harikishan, Deepak son of Harikishan attacked him with sticks. My elder brother Rambilas son Netram, whose age is 73 years, was attacked from behind by Murari son Nanta, Ajit son Prakash, Naraniya son Nanhata, Bheem son Ommi, Somveer son Vedprakash, Govind son Pawan with sticks from behind from which I saved my life by running away on my bike. With the help of villagers one by one others entered our house and broke our bike and sister-in-law Santara wife of Omprakash was misbehaved with by Sunil son of Pappu, Manish son of Pappu, Bhim son of Omprakash, Dayanand son of Omprakash, Monu son of Murari, Pawan son of Govind son of Rammehar, Murari son Arun, Somveer son Bedu by showing sticks, swords, Khokhri. They entered the house and threatened to kill. All of them together attacked with the intention to kill. We apprehend danger to life from all these people. Strict action should be taken against them and a case should be registered against all of them and justice be done. SD-KRISHAN KUMAR Applicant Krishna Kumar S/O Nihal village Dharedu Bhiwani 998379005, 99833797005. Police action- Today on 26.03.2024, the aggressive party Krishna S/O Nihalchand resident Dhareru is admitted to GH Bhiwani, and on this information, I reached GH Bhiwani outpost with HC along with accompanying employee, where Krishna's documents and MLR were received. From MLR No. SR/GH/BWN/50/2024 DT 25.03.2024, reference- Krishna has a total of 3 injuries, of which injury no. 1, 2 KUO BLUNT ADV NCCT HEAD AND SURGERY OPINON ADV X-RAY LEFT FOR ARAM AND SURGEON OPINION and injury no.3 ADV X- RAY LEFT ELBOW KUO SHARP has been declared. About MLR No. NS/GH/BWN/25MARCH/27 DT 25.03.2024 reference- Sahil, the Ld. Doctor has reported total 2 injuries KUO BLUNT, injury no. 1 ADV X-RAY RIGHT ARM ORTHO OPINION, and



injury no.2 ADV NCCT HEAD SURGERY OPINION; MLR NO 39/RK/GH/BWN/2024 DT 25.03.2024 reference- Deepak, Ld. Doctor has reported total 3 injuries, KUO BLUNT, injury no.1 ADV NCCT HEAD RIGHT SIDE PARIETAL REGION, injury no.2 ADV C-XRAY AP/PA LEFT SCAPULA and injury no.3 ADV X-RAY LEFT KNEE; MLR NO NS/GH/BWN/25 MARCH/26 DT 25.03.2024 reference Vikas, Ld. Doctor has reported total 4 injuries KUO BLUNT which injury no. 0.1 REGION OF SKULL ADV NCCT HEAD, injury no.2 PRESENT ADV ENT OPINION, injury no. 0.3 ADV X-RAY WHOLE BACK ORTHO OPINION and injury no.4 ADV X-RAY LEFT FOR ARM has been written. MLR NO NS/GH/BWN/25 MARCH/23 DT 25.03.2024 reference- Radheshyam, Ld. doctor found total 3 injuries KUO BLUNT of which injury no.1 ADV X-RAY LEFT EAR, Injury no.2 ADV NCCT HEAD SURGERY OPINION and injury no.3 PAIN IN BACK ADV X-RAY been has reported. In MLR NO NS/GH/BWN/25MARCH/25 DT 25.03.2024 reference Monu. the doctor has reported a total of 3 injuries, KUO BLUNT, which injury no.1 ADV SKULL NCCT HEAD, injury no.2 OVER LEFT HAND ADV X-RAY, and injury no.3 ADV-X-RAY LEFT FORE ARM has been reported. In MLR NO NS/GH/BWN/25 MARCH /24 DT 25.03.2024 reference- Suresh, the doctor has reported one injury KUO BLUNT ADV NCCT HEAD, in MLR NO 35/RK/GH/BWN/2024 DT 25.03.2024 reference- Santra, the doctor has reported a total of 2 injuries. No.1 ADV NCCT HEAD, injury no.2 ADV X-RAY RIGHT KNEE has been reported. In MLR NO-NS/GH/BWN/25MARCH/22 DT 25.03.2024 reference- Richa, doctor has reported a total of 2 injuries, which are injury no.1 ADV-X-RAY RIGHT ARM and injury no.2 ADV X-RAY LEFT HAND. Thereafter, the HC after ascertaining the address reached the ward where Krishna son of Nihalchand resident of Dhareddu presented his written application to the



HC regarding the fight The place of incident of this application is different from the place of incident sent earlier, which incident took place in the street near the house of Bheem Nambardar son of Omi. In relation to this fight, the HC and the Officer-in-charge have visited the spot and investigated. This fight took place in the street, none of the parties took place in anyone's house, the fight was found to have taken place in the street. On the basis of the application and MLR and verification of the circumstances, the crime under 147,148,149,324,506 IPC was found to have been committed. XXXXX

Sir, due to some technical reason in CCTNS software, in the first information report, at serial number 7 the details of the accused are shown which is not opening for filling the accused. Therefore, the accused named in the First Information Report are as follows- Ajit son of Bedu (Vedprakash), Somveer son of Vedprakash, Satbir son of Omprakash (Omi), Dayanand son of Omi, Deepak son of Harikishan, Karambir son of Harikishan, Ajit son of Prakash, Manoj son of Ramesh, Monu son of Murari, Sunil son of Pappu, Manish son of Pappu, Govind son of Pawan, Sanjay son of Indra, Subodh son of Mageram, Murari son of Nanhata, Sanjay son of Indra, Mohit son of Babulal and Karmaveer son of Harikishan, Deepak son of Harikishan, Murari son of Nanhata, Ajit son of Prakash Naraniya son of Nanta, Bhim son of Omi, Somveer son of Vedprakash, Govind son of Pawan, Sunil son of Pappu, Manish son of Pappu, Bhim son of Omprakash Dayanand son of Omprakash, Monu son of Murari, Pawan son of Govind son of Rammehar, Murari son of Arun, Bhim Nambardar son of Omi and Shri Bhagwan son of Norang.'



3. Contentions

On behalf of the petitioner

The Ld. counsel for the petitioner submits that this is a case of version and cross-version. He submits that role attributed to the petitioner is that of a lathi blow on the head of the complainant and the said injury was declared to be simple in nature and therefore, offences added later on qua Sections 325 and 326 of IPC could not be attracted against the present petitioner. The Ld. counsel for the petitioner undertakes that the petitioner is willing to join the investigation and cooperate with the investigating agency for furtherance of the same.

On behalf of the State

The Ld. State Counsel appearing on advance notice, on instructions from the Investigating Officer would refer to the medico legal report and submit that no doubt, the injury attributed to the petitioner with lathi, has been declared to be simple in nature but the petitioner was a part of the unlawful assembly with the other co-accused persons who gave injuries using weapons like gandasi, sword and khokri. On that aspect prays for dismissal of the instant petition.

4. Analysis

This Court, having regard to the aforesaid facts and the role attributed to the petitioner as well as the contention of learned State counsel who has not disputed the fact that injury as attributed to the petitioner is declared to be simple in nature and that the persons who have given grievous injuries namely Ajit and Monu Sharma, have already been granted the



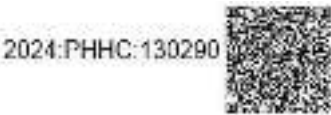
concession regular bail vide order dated 14.05.2024 and 28.05.2024 passed in CRM-M-2116-2024 and CRM-M-26206-2024, respectively (Annexure P-5), also the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, hereby directs the petitioner to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C which are reproduced below :-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.*

However, it is made clear that wherein the petitioner does not comply with the aforesaid direction of joining the investigation within one



week, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

01.10.2024
Sangeeta

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