

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54499-2023
Decided on : 26.02.2024

Singh Ram and another Petitioners

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Jasneet Mehra, Advocate
for the petitioners.

Mr. Rahul Mohan, Sr. DAG, Haryana with
ASI Manjeet.

Mr. Somnath Saini, Advocate and
Mr. K.L.Saini, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioners under Section 438 Cr.PC seeking concession of anticipatory bail in case FIR No.226 dated 22.09.2023 under Sections 323, 324, 34, 452, 506 IPC (Sections 325/307 IPC added later on) registered at Police Station Panjokhra District Ambala.

2. Learned counsel for the petitioners *inter alia* contends that in compliance of order dated 15.11.2023, the petitioners had joined investigation and cooperated with the investigating agency.

Hence, the said order be made absolute.

3. Learned counsel appearing for the State assisted by learned counsel for the complainant has, however, opposed the prayer made by the learned counsel for the petitioners to make the order dated 15.11.2023 absolute. It has been submitted by the learned State counsel that no doubt, the petitioners had joined investigation in compliance of order dated 15.11.2023, however, there were serious allegations levelled against the petitioners for which they did not deserve the concession of bail. Learned State counsel assisted by the counsel for the complainant has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1 and submitted that on the fateful day at about 10.00 am, when the complainant and his wife were sitting inside their house, the petitioners along with other co-accused suddenly entered their house, armed with lethal weapons like axe, spade etc. and without any provocation assaulted both the complainant and his wife; on account of the assault by the petitioner Singh Ram, the complainant fell down on the ground; petitioner No.2 along with co-accused then assaulted the complainant with the sticks and spade and inflicted a number of injuries on his person, which find due corroboration with his MLR. The wife of the complainant Vidya Devi rushed to the rescue of her husband and fell upon him, however, she too was not spared and she was brutally attacked with axe, sticks and spade by all the accused including the petitioners, which

resulted in her receiving serious multiple injuries all over her person including an incised wound, which was inflicted with a spade on her head. Learned counsel for the complainant has submitted that in the attack, not only did the complainant thus, sustain multiple injuries but even the wife of the complainant sustained fractures on her person including injuries, which were declared dangerous to her life. Learned counsel has submitted that in view of the serious and multiple injuries, which were inflicted by the petitioners, they did not deserve the extra-ordinary concession of anticipatory bail. Learned State counsel has submitted that besides the serious allegations levelled against the petitioners in the FIR in question, they have not even fully cooperated with the investigating agency as the recovery of the weapons of offence has not yet been effected.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. *Prima facie*, there are serious and specific allegations levelled against the petitioners. All the accused including the petitioners armed with lethal weapons like axe, spade and sticks launched an unprovoked attack on the complainant and his wife after trespassing into their house leading to both of them sustaining multiple injuries including injuries dangerous to life, which as per learned State counsel find due corroboration with their MLR.

6. In the facts and circumstances and the allegations levelled

against the petitioners, this Court does not incline to extend the concession of anticipatory bail to the petitioners. Accordingly, the instant petition stands dismissed.

7. 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.

26.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

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