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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58761-2022

Date of Decision:- 05.09.2024

VIKAS

....Petitioner

Vs.

STATE OF HARYANA & ANOTHER

...Respondents

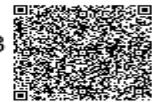
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naveen Bawa, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.
Mr. Nirmal Singh, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

1. Petitioner Vikas has filed petition under Section 439 (2) Cr.P.C. for cancellation of anticipatory bail granted in favour of Prince respondent No.2 by learned Additional Sessions Judge, Sonipat in FIR No.476 dated 11.08.2022 (P-1) under Sections 323, 308, 506, 34 IPC, 1860 registered at Police Station Ganaur, Sonipat vide impugned order dated 18.11.2022 (P-5).

2. Learned counsel for petitioner referred to copy of FIR (Annexure P-1) where accused Sanjay armed with iron rod along with his brother Prince i.e. respondent No.2 attacked Vikas brother of complainant with iron rod and caused him several injuries. He was rescued by the people who had gathered on the spot and was taken to Government Hospital, Ganaur for medical treatment from there he was further referred

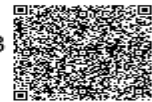


to Sonipat. Learned counsel for petitioner referred to MLR of injured Vikas (Annexure P-3) according to which he had suffered three serious injuries including injury on the head. Photographs of the injured are Annexure P-4. Petitioner suffered fracture and serious injury on his eye as a result he has almost lost vision of left eye. Without considering the aforesaid facts, learned Additional Sessions Judge, Sonipat vide order dated 18.11.2022 granted anticipatory bail in his favour. Investigation in the case was still going on. He could have interfered in the investigation and could pressurize the material witnesses. Under these facts and circumstances, it is prayed that respondent No.2 does not deserve to be released on anticipatory bail and the same may be cancelled by accepting the present petition.

3. Status report is filed confirming the factual position. It is pointed out that said anticipatory bail application was opposed by prosecution but the same was allowed and respondent No.2 was given concession of anticipatory bail. It is further pointed out that investigation has been completed and challan has already been presented in the Court.

4. Learned counsel representing respondent No.2 argued that he is falsely implicated in this case. No specific blow is attributed to him. He had already joined the investigation and never misused the concession of anticipatory bail granted in his favour. Learned counsel further placed on record copy of order granting regular bail in favour of Sanjay vide order dated 28.09.2022 by the Court of learned Additional Sessions Judge, Sonipat. It is prayed that petition filed by petitioner seeking cancellation of bail of respondent No.2 is without merits and same may be dismissed.

5. I have considered the arguments and have gone through the



record. It is matter of record that Prince respondent No.2 was granted anticipatory bail in bail application No.2896-2022 decided on 18.11.2022 by the Court of learned Additional Sessions Judge, Sonipat which is Annexure P-5 and thereafter, present petition has been filed for cancellation of said anticipatory bail. Copy of FIR is Annexure P-1 and copy of MLR is Annexure P-3. As per MLR petitioner had suffered three injuries including one injury on the head. Photographs of the injured are also annexed as Annexure P-4. The contents of FIR (Annexure P-1) shows that Sanjay armed with iron rod accompanied by Prince allegedly caused injury to Vikas. Iron rod blows are attributed to Sanjay who has been granted regular bail vide order dated 28.09.2022. There is nothing on record to suggest that respondent No.2 did not join the investigation or he interfered in any manner. In-fact, challan is already presented in the Court and the case has to be decided on its own merits. In light of aforesaid factual position, at this stage, I do not find merits in the petition filed by petitioner for cancellation of anticipatory bail in favour of respondent No.2 and the same is accordingly dismissed.

6. My observations are made for the disposal of this petition and it will have no bearing on the merits of case.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

05.09.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No