

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-59164-2024 (O&M)
Date of Decision:-3.12.2024

Gaurav Kumar @ Gaurav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Gupta, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
0220	6.11.2024	Hassanpur, District Palwal	115, 190, 191(3), 324(4), 333 and 351(2) of Bharatiya Nyaya Sanhita, 2023 (BNS), wherein offence under Section 117(2) BNS was added later on

GURVINDER SINGH GILL, J. (Oral)

CRM-46915-2024

In view of the reasons mentioned in the application, the same is allowed and the MLR (medical document) annexed with the application is taken on record as Annexures P-2 subject to all just exceptions.

CRM-M-59164-2024 (Main Case)

1. The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.



2. The FIR in question was lodged at the instance of Kartik wherein it is alleged that on 4.11.2024 at about 07:00 P.M. when he and his brother Kunal were present in their shop, then Gaurav, Rohit alongwith 3-4 persons came there in a 'Tata Tiago' car and motorcycle and they were armed with iron rods, sticks and some other weapons. It is alleged that Gaurav (petitioner) exhorted his companions to inflict injuries to the complainant and pursuant to which the accused started beating complainant and his brother Kunal. Although the complainant and his brother fled towards their house, but they were chased by the accused, who also attacked complainant's mother Manju Rani as well as his grandmother Vimala Devi when they tried to save the complainant. It is further alleged that the assailants also snatched a gold chain from complainant's mother. It is further the case of prosecution that while Kunal suffered an injury on his head, the complainant Kartik sustained a fracture on his left hand.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on account of some petty dispute between the petitioner and the complainant, who are adjacent shop owners. It has been submitted that the dispute was basically on account of fixation of a signboard. It has further been submitted that in the CCTV footage it is nowhere reflected that it is the petitioner, who had caused the injury leading to alleged fracture of complainant's left hand.
4. This Court has considered rival submissions addressed before this Court.
5. Having regard to the manner in which the incident had taken place particularly the fact that the petitioner is specifically named in the FIR and is attributed a specific injury to the complainant on his left hand, which



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resulted in fracture and also bearing in mind the fact that it is at the instance of the petitioner’s ‘*lalkara*’ that the co-accused opened attack and also that it is infact the petitioner, who had a motive to inflict injuries on account of the dispute with the adjacent shop owner, this Court does not find any special case for grant of anticipatory bail. The instant petition, as such, is dismissed.

6. However, in case the petitioner surrenders before the trial Court within a period of 10 days from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously preferably within a period of less than one week from filing of such application.

3.12.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No