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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRA-S-148-2025(O&M)
Date of decision: 17.02.2025

VIJENDER KUMAR
....Appellant.

Versus

STATE OF HARYANA AND ANR
....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Kotla, Advocate, for the appellant.
Mr. Surender Singh, AAG, Haryana.
Mr. Abhishek Khrab, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of an affidavit dated 16.02.2025 of Deputy Superintendent of Police, Narnaund, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant appeal has been preferred against the impugned order dated 10.01.2025, passed by learned Additional Sessions Judge Hisar, whereby the application of the appellant for grant of anticipatory bail was dismissed in case FIR as under:-

FIR No.	Dated	Sections	Police Station
750	03.12.2024	115, 126, 190, 191(2), 191(3), 296, 351(2), 109, 117(2) of BNS and Section 3(1) (r) and 3(1)(s) SC/ST (Prevention of Atrocities) Act 1989	Hansi City, District Hisar

3. It is *inter alia* contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He



contends that appellant is not involved in the alleged occurrence nor has he given any castiest remarks to the complainant. He submits that even none of the injury allegedly received by the complainant have been declared to be dangerous to life. According to him, the complainant was allegedly discharged from the hospital after 2 days and again after 10 days thereof, he got himself admitted in the hospital and procured favourable medical report from the Doctor to the effect that cumulative effect of the injuries is dangerous to life. He further contends that the Provisions of Scheduled Castes and Scheduled Tribes, Act have wrongly been invoked in the instant FIR and no specific overt act is attributed to the appellant, hence prayed for acceptance of the appeal and grant of bail to the appellant.

4. *Per contra*, learned State Counsel assisted by learned counsel for the complainant referring to the reply submitted by the State have assailed these arguments by submitting that the appellant alongwith other co-accused had mercilessly assaulted the complainant in the street and caused multiple injuries to him including injuries on his head. It is submitted that the complainant sustained two fractures in his skull due to the injuries and Doctor has given opinion regarding the 9 injuries sustained by the complainant being cumulatively dangerous to life, in accordance with the procedure and there is no illegality therein. They contend that there are specific allegations against the appellant of having given castiest remarks to the complainant besides causing multiple injuries on the complainant with iron rod on his head, mouth and forehead. They further stressed that the entire incident has been captured in CCTV footage wherein the active participation of the appellant in the said occurrence is amply established.



They contend that custodial interrogation of the appellant is required for effecting recovery of weapon used in the occurrence, hence prayed for dismissal of the appeal.

5. After considering the rival contentions and perusing the record, it is observed that the instant case was registered on the intimation received by the police qua the complainant having been admitted in the hospital on account of his multiple injuries. On reaching the General Hospital Hansi the police got information that the patient has been referred to General Hospital Hisar and later it was found that he has been admitted to Sarvodya Hospital, Hisar for treatment where Doctor declared him unfit to give statement. After getting the patient fit, his statement was recorded wherein he has stated that on 30.11.2024 at about 08:30 pm while he was going to his under construction showroom alongwith his friends Rachit and Jashanpreet then on the way near the house of Ashok Verma, the appellant alongwith his friends intercepted them while being armed with iron rod and tried to abduct him and in the occurrence the appellant hit him on his head, mouth, nose and forehead with iron rod while friends of the appellant also gave multiple injuries on legs, hands and back of the complainant with iron rod. The appellant and co-accused Ravinder raised castiest remarks and used abusive words against the complainant, on raising alarm, the assailants ran away from the spot, accordingly, the FIR was registered.

6. A perusal of record would reveal that the entire incident has been captured in the CCTV footage, wherein the specific role attributed to the appellant in causing multiple injuries on the person of the complainant with iron rod on different parts of his body viz-a-viz head, mouth, nose and

forehead and co-accused of the appellant causing injuries on the other parts of the body is visible. The complainant received as many as 9 injuries in the occurrence out of which 2 injuries on the skull were found to be greivous in nature. As per the medical record, considering the cumulative effect of the injuries sustained by the appellant the same were declared dangerous to life besides there are specific allegations against the appellant of having raised castiest remarks against the complainant attracting the Provisions of SC & ST Act. The recovery of weapon used in the occurrence is yet to be effected from the appellant, for which custodial interrogation is required. Considering, the serious nature and gravity of offence, no case is made out in favour of the appellant, therefore, the appeal hereby stands dismissed.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending application(s), if any, stands disposed of.

17.02.2025

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(SANJIV BERRY)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No