

CRM-M-56640-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56640-2024
Reserved on: 13.01.2025
Pronounced on: 21.01.2025

Vansh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mandeep Nehra, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	03.07.2024	Sadar Jagadhri, Yamuna Nagar	115, 117(3), 190, 191(3), 351(2), 351(3), 109(1), 324 of BNS 2023

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 22 of the reply dated 07.01.2025, the accused has no criminal history.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That in this regard, it is submitted that on 02/07/24, information was received telephonically at Police Station Sadar Jagadhri from Civil Hospital Jagadhri that injured Rameshwar Dass s/o Kartara Ram r/o Shahpur was admitted due to injuries sustained in a quarrel, who has been referred to MLGH Yamunanagar for further treatment. After receipt of information, police reached at Civil/ MLGH Hospital, Yamuna Nagar. After reaching there MLR No. MLR/CHJ/SS/225/2024, dt. 02/07/24 of the above injured Rameshwar Dass was collected. In the said MLR, the doctor mentioned total 11 injuries, out of which injury no. 1 ADV NCCT HEAD AND SURGEON OPINIAN, injury no. 2,3,4,5,6,7,8,9,10 and 11 ADV X-RAY and ORTHO OPINIAN and all injuries are BLUNT. On the night of

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02/07/24, information was received from Sindhu Hospital Jagadhri that injured Rameshwar s/o Kartara Ram has been admitted for treatment, on this police reached at Sindhu Hospital Jagadhri and moved an application regarding fitness of injured to make statement. The doctor declared the 'injured Rameshwar Dass unfit to give statement. After that police again reached at Sindhu Hospital, Jagadhri and moved an application regarding fitness of injured to make statement. On this doctor declared the injured Rameshwar Dass fit to make statement. On this statement of above named Rameshwar Dass was recorded. In his statement, the injured Rameshwar Dass stated that he has doctor's shop named R.R. Home Near Workshop Road Metro Hotel Yamuna Nagar, where he is practicing for about 20/22 years. The said injured further stated that he has agricultural land in the village. About 40/42 years ago, he used to practice in the village Ledi (Chhachhrauli). At that time, he got acquainted with a woman named Sukhpreeta and developed a relationship due to which two children Vaidehi alias Mannu and Sohard alias Munna, were born. Vaidehi is married and Sohard is still unmarried. Sohard was born after he left Ledi. Sohard alias Munna used to ask for a share of his land, on which he has also filed a case against him in the court, which is pending in the court. About 20/22 days ago, Sohard came to his house along with the village numberdar Ajmer Singh and said that come out, he want to talk to him (complainant) about the land. So he (complainant) said him (Sohard) the time is not right, it is getting night, he (complainant) will talk tomorrow during the day. Sohard threatened him (complainant) that he (Sohard) will take his share of the land Sohard kept the resentment of this in his mind. Yesterday, on 02/07/2024, he (complainant) went to his shop at Yamunanagar as usual, at around 5.00 pm, he left for home in his car Tata Harrier No. HRO2-AR-1114 silver color, when he (injured/complainant) reached at around 5.15 pm on Main Road Bilaspur Jagadhri On the road, he had turned from Shahpur bus stand towards his village Shahpur and had gone about 50 meters then a Verna car came in front of him. He (complainant) stopped his car, then 4/5 boys came out of that Verna car, holding sticks in their hands. They caught him (complainant). He (complainant) identified these persons as Sohard alias Munna and his friend Ankush s/o Ramesh resident of village Shahpur, Manjeet s/o Bhupinder Singh r/o village Kharwan who now lives in Majra, Sumit alias Chida son of Rai Singh r/o village Chintpur Chhachhrauli, whom he already knew. Among them, another car was 1-20 and two/three motorcycles also came, about 7/8 boys together attacked him (complainant). First of all, Sohard alias Munna hit bindass on his

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(complainant) head, due to which all the pans of his car broke. After that Soharg pulled him out of the car and threw him out. He attacked him on the head with the binda in his hand which he stopped with his right hand due to which the bone of his right hand broke. His other accomplices Co-accomplices Ankush, Manjeet, Sumit alias Chida and his other 4/5 accomplices together attacked his both legs due to which both his legs broke. Then he shouted for help and then some men from the nearby liquor shop and factory started coming there. Seeing them coming, all the assailants ran away with their weapon. After that he fainted. When he regained consciousness, he was in Civil Hospital Jagadhri. His son Maninder Singh told him that Deepak s/o Jagir Singh and Amrik s/o Gurmej Singh of the same village brought him to Government Hospital Jagadhri. Seeing his (complainant) condition, the doctor referred to Trauma Center Yamuna Nagar. However, his (complainant) family members brought him to Sindhu Hospital, where he is being treated, so legal action be taken against them.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. It shall be relevant to refer to the following paragraphs of the bail petition:

“3. That it is humbly submitted that the Petitioner deserves the concession of regular bail as he has been falsely implicated. It would be pertinent to mention here that from the bare reading of the FIR it manifests that the Petitioner has not been named in the FIR. It is further submitted that the Petitioner has been arrested in the present case on the basis of the disclosure statement of one of the co-accused namely Sarfaraz alias Munna. Moreover, a mere glance look of the complete available facts and circumstances on the case record exhibits that there is no prima facie case against the Petitioner.

4. That it would also be apposite to bring into this court notice that the role scribed to the present Petitioner as per the disclosure statement of the co-accused Sarfaraz alias Munna is that the Petitioner along with co-accused Shivank alias Kanwarpal on instruction of accused Sarfaraz did the recce of the complainant on the Motorcycle of co-accused Shivank alias Kanwarpal and they had told them the car of the complainant was coming towards village Shahpur Jattan.

x x x x

7. It would also be pertinent to mention here that as per the FIR the complainant had specifically named Ankush S/o Ramesh and Sumit alias

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Chidda of causing injuries to him alongside his son Sohard but during investigation both of them were exonerated by the police. This conduct of the police agency and the complainant has put them under grey shadows that both of them are just harassing the petitioner only to give colour to their version.”

6. It shall be appropriate to refer to para 17 of the reply, which reads as follows:

“17. That during course of investigation, Ankush and Sumit alias Chidda were not found involved in the offence as such allegations against them were found incorrect.”

7. Although the investigator did not mention any reasons for false implication, its effect would not entitle the petitioner to bail because the petitioner was found involved in the same investigation, and its impact is the subject matter of the trial.

8. The state’s counsel opposes bail and refers to the reply.

9. It shall be appropriate to refer to para 23 of the reply, which reads as follows:

“ROLE OF PETITIONER

23. That during course of investigation conducted so far, it has been found that the petitioner done the recce alongwith co-accused Shivank of the injured Rameshwar Dasss on the motor cycle of Shivank on saying of Sohard alias Munna, who is yet to be arrested. The petitioner alongwith co-accused also caused injury on the person of injured Rameshwar Dass and also damages his car with dandas. The petitioner also got recovered danda which was used by him in the office.”

10. The petitioner caused injuries, and given the nature of the allegations, when a son not only himself assaulted his father but also took the help of his friends to assault his father, who must be well aware of the motive and the relationship, the offense becomes heinous.

11. The petitioner is also not entitled to bail on parity with co-accused Kanwarpal, against whom the allegations were of recognizance and not of any assault, whereas there is specific mention of the petitioner also assaulting the injured.

12. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

13. The petitioner’s custody of around four months cannot be termed prolonged,

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given the minimum sentence prescribed for the offense.

14. Regarding the delay in the trial, if the trial does not conclude within one year of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

21.01.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.