



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.57752 of 2024
Date of decision: 15th February, 2025

Vinod

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No.120 dated 17.06.2024 under Sections 506, 452, 427, 323, 285, 149, 148 of the IPC and Section 25 of the Arms Act, 1959 (Sections 325, 307 IPC added later on) registered at Police Station Hassanpur, District Palwal.

2. Learned counsel for the petitioner has contended that although as per the case of the prosecution, some co-accused fired at the complainant party, no member of the complainant party sustained any firearm injuries. It has been contended that the motive for the attack lay with the complainant party rather than the accused party. It was the complainant party that initiated the attack and inflicted injuries on the accused party, leading to the registration of a cross-FIR against them. It

has still further been submitted that the petitioner also sustained injuries during the occurrence in question, and the nature of injuries suffered by the complainant party would, at best, attract an offence under Section 325 IPC, whereas the injuries sustained by the petitioner would fall under Section 307 of the IPC. It has further been asserted that even otherwise, the petitioner was alleged to be armed with only a stick, however, no specific role or injury has been attributed to him in the occurrence in question. Learned counsel has lastly submitted that since the chargesheet has already been presented and charges framed, further incarceration of the petitioner would serve no useful purpose given that as many as 29 prosecution witnesses have been cited and therefore, the trial is likely to be prolonged.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereunder:

“Sir, It is submitted that I Harvir son of Sh. Madan Lal, caste Jaat, am a resident of village Darana, Sub Tehsil Hassanpur, Tehsil Hodal, District Palwal. I practice in Hodal Courts. Naresh @ Gullu and Rohit sons of Rattan Singh, Rattan Singh son of Hira Lal and Ajay son of Devi Ram, all residents of village Darana broke the water pipe line coming to our fields and made their own connection instead. When we came to know we objected to it, but all of them abused us. My brother Bhup Ram had given a complaint in this regard to Police Station Hassanpur and also filed a civil suit in Hodal Courts in which the next date

of hearing is 19.6.24. Yesterday i.e. on 16.6.2024 at about 8.45 PM I was lying on the cot in the tubewell room in the fields. My son was working on the submersible. My nephews Harender and Pardeep sons of Amar Singh were watering the paddy crop nearby. My brother Bhup Ram and his son Dinesh were watering the saplings. Kuldeep son of Bhup Ram was sitting on the 'Thakt' in the varandah near the tubewell. Naresh @ Gullu son of Rattan Sing armed with a country made pistol, Rohit son of Rattan Singh with a ballam, Ajay son of Devi Ram with a Farsa, Nand Kishore @ Nanda armed with a lathi all residents of village Darana, Bhagat Singh son of Khubi Ram armed with Farsa, Satish @ Satto son of Sukhi with a country made pistol, Vinod son of Banshi and Satish's brother armed with ballam in one hand and lathi in the other all residents of village Chahra Ka Nangla, Tehsil Kama, Distt. Deeg (Rajasthan), Leelu son of unknown of village Beda Patta armed with an iron saria along with 10-15 more persons came in two Thar cars and 10-12 motorcycles. The registration number of one car was HR-26EN-2021 and the number of other car was not readable due to darkness but was of Rajasthan. Satish @ Satto forcibly entered the 'kotha' and fired at me from a country made pistol with the intention to kill me but I escaped narrowly. Ajay and Rohit caught hold of me and dragged me out of the 'kotha. Bhagat Singh gave a farsa blow on my head, Nand Kishore @ Nanda gave a lathi blow on my head which struck me on the right side of my head, Leelu gave an iron saria blow on my left side and I fell down. Then all the accused started giving me lathi and danda blows and I suffered injuries on both my hands, legs and back. Hearing my screams for help my brother Bhup Ram, nephews Harender, Pardeep and

Dinesh and my son Rohit came to save me. Naresh @ Gullu fired at them from the country made pistol but all the accused attacked them with lathi, danda, farse and iron sarias. My brother and nephews also suffered many injuries who will themselves tell about the injuries suffered by them. Thereafter, seeing the villagers coming the accused started moving and while going away they threatened that we have been saved today but whenever they get a chance they shall finish us. Thereafter, we all came to Govt. Hospital, Hodal where we were medico legally examined and the doctor referred us to Govt. Hospital, Palwal, where we are under treatment. Hence, your goodself is requested to arrest the accused as soon as possible and take the strict legal action against them and our lives and properties be protected and justice be done to us. We shall be obliged. Dated 17.6.2024. Sd/- Harvir.”

4. It has been argued that a bare reading of the FIR clearly indicates that it was a premeditated attack carried out by the accused party, all of whom were armed with lethal weapons. The complainant party suffered multiple injuries, some of which were declared grievous. Learned State counsel has further submitted that on account of the hue and cry raised, the co-villagers were attracted to the spot and it was only then that the accused party fled away from the spot but not before threatening the complainant party with dire consequences. The injured were promptly taken to the hospital for their medical treatment. Learned State counsel, on instructions, has submitted that although the petitioner was armed with a stick, however, he was an active participant in the attack. It has been lastly argued by the learned State counsel that

material witnesses including the complainant and the eye-witnesses, are yet to be examined. If the petitioner is released on bail, there is a strong likelihood that he may intimidate or influence the witnesses. A prayer has therefore, been made for dismissal of the instant petition.

5. Upon considering the submissions of both the sides and the relevant material on record, it prima facie comes across as a preplanned attack. The role of the petitioner, though not attributed to causing specific injuries, cannot be viewed in isolation, particularly in light of the collective nature of the attack.

6. Furthermore, material witnesses, including the complainant and eye-witnesses are yet to be examined. The apprehension raised by the learned State counsel regarding possible influence on witnesses cannot be disregarded.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner at this stage. The petition as such stands dismissed. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2025
rps

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