

In the court of Narender Sura, Additional Sessions Judge, Panchkula
(UID No. HR-0124)

CNR No. HRPK01-003546-2019

Case No. BA/580/2019

Filing No.1528/2019

Date of Institution: 21.06.2019

Date of Order: 26.06.2019

Sandeep, aged 29 years, son of Shri Karambir, resident of Sai Colony,
Village Ugra Kheri, Tehsil and District Panipat (Haryana). Also resident
of Kharag Mangoli, Old Panchkula

..... Petitioner

Versus

State of Haryana through SHO, Police Station Sector 5, Panchkula

..... Respondent

Bail application under Section 438 Cr.P.C.

In FIR No. 248 dated 17.06.2019

Under Sections: 148, 149, 323, 342, 354-A, 427, 452, 506,
307 of IPC

Police station: Sector-5, Panchkula.

Present:

Shri V.P.S. Namdev, Advocate for the petitioner

Shri Arvind Vashisht, Public Prosecutor for the State

ORDER:

Vide this order, this Court is deciding the bail application
filed by the petitioner for grant of anticipatory bail in the above
mentioned FIR.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case and even if the case of the prosecution is taken as it is, even then no injury has been attributed to the petitioner. Learned counsel further submitted that there is delay of about 24 hours in registration of the FIR. Learned counsel further submitted that as per the allegations in the FIR, lalkara has been attributed to the petitioner, however, false allegations have been levelled against the petitioner and he was not involved in the commission of the offence. Learned counsel further submitted that custodial interrogation of the petitioner is not required and petitioner is ready to join the investigation. Learned counsel prayed for grant of bail.

3. *On the other hand*, learned Public Prosecutor, on instructions from SI Mohan Lal, submitted that the petitioner has been specifically named in the FIR and the petitioner along with other accused had inflicted grievous injuries on the person of Pinki and Sagar and it is clear from the nature of that same would have been dangerous to life. Learned Public Prosecutor further submitted that 14 stitches have been given on the head of Sagar and 8 stitches have been given to Pinki. Learned PP further submitted that although till date, opinion has not been taken from the doctor regarding the nature of the offence, but it is clear from the facts that the petitioner as well as other accused have committed the offence punishable under Section 307 of IPC as they had inflicted injuries on the head of Sagar and Pinki. Learned PP further submitted that delay in registration of FIR in such cases

is immaterial as firstly the injured were required to be taken to the hospital instead of running to the police station for registration of the FIR. Learned PP prayed for dismissal of the bail application.

4. I have heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the record of the case.

5. It is matter of record that the petitioner has been specifically named in the FIR. Sagar and Pinki have received injuries and as per the medical report, 14 stitches have been given on the head of Sagar and 8 stitches have been given on the head of Pinki. As per the allegations levelled in the FIR, Amarjit, brother of the petitioner, used to outrage modesty of the complainant by stopping on the way. The complainant is a poor lady and the accused Amarjit was made to understand in the Panchayat when his conduct was brought to the knowledge of the family member and he tendered apology and started to keep ill-will against her. On 16.06.2019, the petitioner along with Amarjit, Bhola and Hardeep entered into the house of the complainant at about 10:00 PM and they were having iron rods, gandasi, iron Palta used by Halwai, lathi etc. and started wrong act with the complainant and caught her from her chest and when same was objected, iron rod was inflicted on the person of the complainant and she received injury on the eyes. Eight stitches have been given on the right eye of the complainant.

6. It has been specifically alleged that Bhola and Sandeep (Petitioner) had given lalkara to teach a lesson as a complaint was

submitted against them and on lalkara given by the petitioner, all the accused had started beating the family members and husband of the complainant as well as her brother-in-law Sagar (Dewar) had received serious injuries. Due to injuries inflicted by the accused, 14 stitches have been given on the head of Sagar and it has been alleged that all the accused inflicted the injuries after hatching conspiracy and the accused had also damaged the household articles.

7. Considering the fact that the petitioner has been specifically named in the FIR and role has been attributed to the petitioner and also considering the nature of injuries inflicted by the accused to Sagar and Pinki, this Court is of the view that the petitioner is not entitled to extraordinary relief of anticipatory bail. Custodial interrogation of the petitioner is necessary for qualitative investigation and for recovery of weapons used by the accused. Accordingly, there is no merit in the present bail application and the same is hereby **dismissed**. File be consigned to the record room.

Announced:

26.06.2019

(Narender Sura)
Additional Sessions Judge
Panchkula

Note: All 4 pages of this order have been checked and signed by me.

Bhupinder

(Narender Sura),
Additional Sessions Judge
(Vacations Judge),
Panchkula
(UID No.-HR0124)