

2025.PHHC.034013



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

**CRM-M-13702-2025
DECIDED ON: 11.03.2025**

MUKESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Monika Beriwal, Advocate for
Mr. Ravi Kumar, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR NO. 0021 dated 14.02.2025 under Sections 115(2), 118(1), 126(2), 3(5), 351(3) of BNS, Sections 117(2), 287 of BNS and Sections 30, 54, 59 of Arms Act added later on, registered at Police Station Sadar Kanina, District Mahendergarh, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To SHO Kanina Sadar Police Station Kanina Sir, I humbly request that I am Umed Kumar son of late Charan Singh, caste Gurjar, resident of Bagot village, I work as agriculturist. My real

uncle Ishwar alias Pappu son Bhataram who is retired from the army was living outside the village for many years but for the last few months he is living in the village. We have built a dairy in our field. Due to which Ishwar alias Pappu son Bhataram and Mukesh son Bhataram are having grudge with us and have been saying for many days that they will kill both the son of charan singh as Umesh and Sunil and end their lineage. Today I and my brother Sunil were returning home after working in our farm and dairy, when on the way my uncle Ishwar alias Pappu and Mukesh and Kuldeep son of Munshiram, all three with sticks and swords and Ishwar with his licensed pistol stopped us on the way and attacked us. Umesh attacked my head with a sword and hit Sunil with sticks and injured him on the shoulder. After that Ishwar said that today we will finish both of them by shooting them, so with the intention of killing me, he fired a direct shot at me from his licensed pistol, which hit my leg and one bullet passed by touching me, hitting both of us brothers badly. After that, he threatened my mother, wife and children by showing them the pistol outside our house and fired in the air outside the house. The above mentioned Ishwar and Mukesh have attacked me, injured me and shot at me and tried to kill me; strictest legal action should be taken against them. SD/- Umed Umed ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the main allegation against the petitioner is of giving a sword injury to the complainant, which is a self-made injury and even as per the MLR of the complainant, the injury No.1 on his head was specifically found to be simple in nature and moreover, no recovery was made at the spot. He then argued that as per the medical opinion of the doctor, all the injuries on the person of Sunil are found

to be grievous in nature and are not on vital part of the body with no disfiguration or fracture.

It is submitted that as per the investigation agency which reached the spot, found in its preliminary investigation that there was no bullet gunshot committed at the place of occurrence and it was also found that the petitioner and Ishwar also got injuries in the quarrel between the parties. He contends that the allegations levelled are false as the relative (brother in law) of the complainant is deputed as SHO in the Haryana Police and it was at his behest, that Sections 117(2), 287 of BNS and Sections 30/54/59 of Arms Act were added for the evident reason that the provisions incorporated prior in time were not punishable beyond 7 years.

Notice of motion. Mr. B.S. Virk, Sr.DAG Haryana accepts notice.

4. **Contention**

On behalf of the State

Learned State counsel submits that as per the MLR of the injured coupled with the medical opinion of the Medical Officer, injuries No.1,3&4 of Umed were found to be simple in nature whereas all the injuries of victim Sunil were found to be grievous in nature. He contends that there are serious allegations of causing injury with licensed gun to the complainant/Umed with intention to kill him and his brother Sunil and as such, they do not deserve the concession of anticipatory as their custodial interrogation is necessitated at this stage.

Analysis

As per the version of the FIR, prima facie, there are specific allegations that the co-accused Ishwar @ Pappu along with the petitioner and

one Kuldeep forcibly stopped the complainant/injured and his brother Sunil (injured) and started causing injuries to them. It appears that the assailants inflicted sword blow on the head of the complainant/injured, and they also caused injuries with Danda to injured Sunil on his shoulder. There are also allegation that co-accused Ishwar stated opened fired from his licensed pistol, causing an injury to the leg of the complainant/injured, Umed, while another bullet passed after touching his body. It has also been found that that the scene of occurrence, the police had recovered a Khali Khol (empty shell of cartridge) bearing No. 7.65 KG. It has also come on record that there are previous enmity and dispute going on between the parties are blood relatives and in such circumstances, when it has been specifically alleged that the accused persons and the petitioner had planned to injure the complainant and his brother, there is no point of granting anticipatory bail to the petitioner at this stage and hinder the process of investigation for which the police authorities require the custody of the petitioner.

Conclusion

In view of the above discussion, there is no valid ground for this Court to accept the submissions made on behalf of the petitioner and grant him anticipatory bail at this raw stage of investigation.

Dismissed.

(SANDEEP MOUDGIL)
JUDGE

11.03.2025

v.vishal

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