Application for which urgency is claimed should be submitted to the Deputy Registrar before 11 a.m. and will ordinarily be laid before the Judge appointed to dispose the applications of this class with his petitions on the day following that on which the application is presented.

The application may, however, if specifically requested and the reasons for the request stated, be submitted for orders on the day of presentation. In no case, however, will an application received after 11 a.m. be submitted for orders on the day of presentation.

IN THE HIGH COURT OF JUDICATURE FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

To

Title of case CSMM — C62024 The Addl. Registrar,

KumalPetitioner/Applicant

Sir,

Will you kindly treat the accompanying petitions as an urgent one in accordance with the provision of Rule 9, Chapter 3-A, Rules and Order High Court, Volume V.

2. The grounds of urgency are—

Anticipatory bail-has been prayed for

Yours faithfully,

(SUSHIL SHEORAN) & (R.A.SHEORAN)

2033/2011

**ADVOCATES** 



#### SUSHIL SHEORAN <sushilsheoran291@gmail.com>

### CRMM-Yogesh Kumar v. State of Haryana paperbook, Adv:- Sushil Sheoran (9988935814)

1 message

SUSHIL SHEORAN <sushilsheoran291@gmail.com>

To: aghrycrmphhc@gmail.com

Fri, Oct 8, 2021 at 9:24 AM

Case:- CRMM-Anticipatory Bail Parties:- Yogesh Kumar v. State of Haryana Advocate: - Sushil Sheoran (9988935814)

Attached:- Paperbook

CRMM-Yogesh Kumar.pdf

1554K

cestified to be true copy Andrew Adv

Mugicy

## IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRMM- 42978 -2021

Yogesh Kumar

¥

....Petitioner

Versus

State of Haryana

....Respondent

#### **INDEX**

<u>S.</u>	<u>Particulars</u>	<u>Dated</u>	Pages	Court
No.				<u>Fees</u>
	Urgent Form	8.10.2021		3-00
1.	Criminal Misc. Petition	8.10.2021	1-6	03-60
2.	Affidavit	8.10.2021	7	
	ANNEXURES			
3.	P-1 (FIR)	13.9.2015	8-13	
4.	P-2 (Order passed by ASJ,	23.9.2021	14-17	03-00
	Bhiwani)			
5.	P-3 (Judgment by ASJ Bhiwani)	9.12.2019	18-39	15-00
6.	P-4 (Admission Notice)	15.10.2015	40	01-00
7.	P-5 (Passport)	9.10.2015	41	
8.	P-6 (Visa)	2.2.2016	42	01-00
9.	P-7 (MBBS Degree)	1.7.2021	43	31-00
10.	Vernacular P-1 (FIR)	13.9.2015	44-49	04-00
11.	Vernacular P-5 (Passport)	9.10.2015	50	0/-00
12.	Power of Attorney	8.10.2021	51	D3-00

TOTAL COURT FEES= 35-00

#### NOTE:-

1) Advanced copy already supplied to State of Haryana through email.

2) Any Similar Case:- No

3) Whether any sitting/former MP/MLA is involved in the case:- No

Sustil SHEORAN) & (R.A.SHEORAN)

P-2033/2011

P-550/1985

CHANDIGARH: DATED: 8.10.2021

ADVOCATES COUNSEL FOR THE PETITIONER

### IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRMM- 42978 -2021

Yogesh Kumar

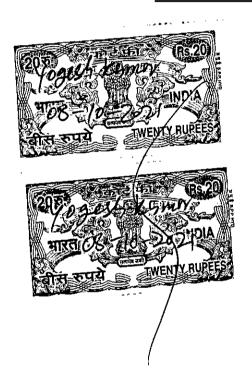
.....Petitioner

Versus

State of Haryana

.....Respondent

#### **COURT FEES**



- RAdeslan-(SUSHIL SHEORAN) & (R.A.SHEORAN)

CHANDIGARH: DATED: 8.10.2021

P-550/1985 P-2033/2011 **ADVOCATES** 

COUNSEL FOR THE PETITIONER

# IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

IN CRMM- 42978 -2021

Yogesh Kumar aged 32 years son of Chap Singh, resident of village Badesra, Tehsil and District Bhiwani.

..... Petitioner

Versus

State of Haryana.

.....Respondent

(SUSHIL SHEORAN) & (R.A.SHEORAN) P-2033/2011 P-550/1985

ADVOCATES COUNSEL FOR THE PETITIONER

CHANDIGARH: DATED: 8.10.2021

yl

First Petition under Section 438 of the Code of Criminal Procedure,1973 praying for grant of anticipatory bail to the petitioner in case FIR No.234 dated 13.9.2015 under section 323/325/506/34 of Indian Penal Code,1860 registered at Police Station Bawani Khera, District Bhiwani.

#### **RESPECTFULLY SHOWETH:-**

- 1. That the petitioner is falsely implicated in this case by the complainant in the above said FIR. In the present FIR, all the offences are bailable in nature except 506 IPC. The allegation of 506 IPC are attributed to co-accused Chap Singh.
- 2. That as per the allegation in FIR, the complainant alleged that the petitioner caused Jailey blow on right hand. She also stated that Chap Singh caused Jailey blow on her shoulder and her right hand. In the MLR, only four injuries were found and fifth injury is the pain on back side. The complainant alleged two injuries on the right hand whereas there was only one injury. The true translated copy of FIR No.234 dated 13.9.2015 is attached as **Annexure P-1**.
- 3. That the petitioner applied for Anticipatory bail before ASJ, Bhiwani which was dismissed on 23.9.2021. Copy of order dated 23.9.2021 is attached as **Annexure-P-2.**

4. That there was a cross-version against the complainant party in the present FIR i.e. FIR-236 dated 14.9.2015 U/s 307/325/323/506/34 IPC in same Police station. During the trial, the trial court found that the complainant party in the present FIR are the aggressor and accused in the present case caused the injury in their self-defense. All the accused in the present case were acquitted on 9.12.2019 and the complainant party were convicted on 9.12.2019 in the cross FIR. Copy of the Judgment dated 9.12.2019 whereby all the other co-accused were acquitted is attached as Annexure P-3.

- 5. That the petitioner is a meritorious student and applied for MBBS Course in China and he got the admission in China for his MBBS Course vide admission notice dated 15.10.2015 which is attached as **Annexure P-4**. The petitioner applied for passport and applied for Visa and got the Chinese Visa on 2.2.2016 and departed to China for his study on 2.3.2016. Copy of the Passport dated 9.10.2015 is attached as Annexure P-5 and Chinese Visa dated 2.2.2016 is attached as **Annexure P-6**. The petitioner completed his MBBS Degree in 1.7.2021. Copy of MBBS Degree
- 6. That police never came to the house of the petitioner for his arrest during investigation. The present FIR registered on 13.9.2015 and Challan was filed on 4.2.2016. The petitioner got his passport after police verification from the same police station on 9.10.2015 i.e. after the registration of the present FIR which shows that the petitioner was not made

is attached as **Annexure P-7.** 

an accused after registration of FIR. When the complainant party came to know about that the petitioner is about to leave the country to China as the VISA was issued on 2.2.2016, then they connived with police and made him accused at the time of filing of Challan i.e. Challan filed on 4.2.2016.

That the petitioner is not declared Proclaimed offender till date and it is also observed in Annexure P-2. As per the evidence on record, the proclamation issued by the trial court on 29.1.2016 for 19.2.2016 vide trial court order dated 28.1.2016. Thus, the provisions of Section 82 Cr.P.C is violated while issuing proclamation as 30 days notice was not there. The proclamation was done on 18.2.2016 and the statement of the police officials was recorded on 19.2.2016 and the case was adjourned for 18.5.2016 for appearance of the petitioner. But on 18.5.2016 or in subsequent dates, no order of proclaimed offender was passed by the trial court. The relevant provision of Sec-82(1) Cr.P.C is reproduced below:-

#### Section-82:- Proclamation for person absconding:-

(1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

This Hon'ble Court quashed the Proclaimed offender order passed by the court below on the ground that 30 days notice is necessary as per Section-82

of Cr.P.C and the initial illegality can not be cured by adjourning the case to cover 30 days period in <u>CRMM-27524-2019</u>.

- 8. That the petitioner is innocent person, yet he apprehends arrest from the police of P.S.Bawani Khera. Hence, this pre-arrest bail application. The petitioner undertakes to abide by the conditions that may be imposed upon her under section 438(2) Cr.P.C. and is ready to furnish the bail bonds and surety bonds to the satisfaction of this Hon'ble Court. The petitioner will never misused the concession of bail.
- 9. That there is no other case registered or pending against the petitioner.
- That no such or similar case earlier filed or pending in any Court of Law i.e. the Court of Session or in this Hon'ble Court or in the Hon'ble Supreme Court of India at the time of filing of the petition.

It is respectfully prayed that the petitioner is not having the certified copy of Annexure P-1 to P-7 due to Covid-19. However, the petitioner has attached the true copy of same. The petitioner would file the certified copy of Annexure P-1 after full resumption of the Hon'ble Court. Hence, the petitioner may be exempted from filing the certified copy of Annexure P-1 to P-7 in the interest of justice.

6

It is respectfully prayed that the present petition be allowed and

the petitioner may be granted anticipatory bail in case FIR No.234 dated

13.9.2015 under section 323/325/506/34 of Indian Penal Code,1860

registered at Police Station Bawani Khera, District Bhiwani in the interest of

justice and fair play.

It is further prayed during the pendency of present petition, an

interim Anticipatory bail may kindly be granted to the petitioner in the

interest of justice.

NOTE:- AFFIDAVIT IS ATTACHED.

Susul

(SUSHIL SHEORAN) & (R.A.SHEORAN) P-2033/2011 P-550/1985

CHANDIGARH: DATED: 8.10.2021

ADVOCATES COUNSEL FOR THE PETITIONER

## IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

IN CRMM- 42978 -2021

Yogesh Kumar.

.....Petitioner

Versus

State of Haryana

....Respondent

Affidavit of Yogesh Kumar aged 32 years son of Chap Singh, resident of village Badesra, Tehsil and District Bhiwani.

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the accompanying petition is being filed by the deponent before this Hon'ble Court which has been read carefully and the same has been drafted on the instructions of the deponent. The contents of Para No. 1 to 10 of the petition are true and correct to my knowledge. No part of it is false

and nothing has been kept concealed therein

CHANDIGARH:

DATED: 8.10.2021

Vogest Kruse)
DEPONENT

#### **VERIFICATION:**

Verified that the contents of Para 1 of the above said affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

**CHANDIGARH:** 

DAT**ED**: 8.10,2021

O Jitendra Kumar C 8 OCT 2021 Cnanoyarh U. Legd No E280 ATTESTED ASSISTENTIFIED NOTARY. CHAMDIGARH

Hh. (Yogeshkum)

DEPONENT

₹8 OCT 2021

#### **ANNEXURE P-1**

## HARYANA POLICE CITIZEN SERVICES FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: BHIWANI P.S: BAWANI KHERA

Year: 2015 FIR No: 0234

Date: 13/09/2015

20:23

2.	S.No.	Acts	Sections
	1.	IPC 1860	34
	2.	IPC 1860	323
	3.	IPC 1860	506

3. (a) occurrence of offence:-

1. Day: Saturday Date From: 12/09/2015

Date To: 12/09/2015

Time Period: Time From: 08:30 hrs

Pahar 3 Time To: 08:30 hrs

2. Information received at P.S.

Date: 13/09/2015 Time: 19:36 hrs

3. General diary reference:

Entry No: 015 Time: 13/09/2015 19:36 hrs

4. Type of information: Written.

### 5. Place of occurrence:-

1. (a) Direction and distance from P.S.

EAST, 21Km(s)

Beat No.

- (b) Address:- Badesara
- (c) In case, outside the limit of this police station, then

Name of P.S.

District(State)

6. Complainant / Informant

(a) Name: Choto Devi

(b) Husband's Name: Zile Singh

(c) Date/Year of birth:

(d) Nationality: India

(e) UID No.

(f) Passport No.

Date of issue: Place of issue:

(g) Occupation:

(h) Address:

S.No.	Address Type	<u>Address</u>		
1.	Present Address	Badesara, Badesara, Bawani Khera,		
		Bhiwani, Haryana, India		
2.	Permanent Address	Badesara, Badesara, Bawani Khera,		
		Bhiwani, Haryana, India		

(i) Phone number: Mobile: 91-9991818097

7. Details of Caste/suspected/unknown accused with full particulars:-

<u>S.N.</u>	Name	Alias	Relative's Name
1.	Guddi		Husband's Name: Chap Singh
2.	Yogesh		Father's Name: Chap Singh
3.	Haw Singh		Father's Name: Chap Singh
4.	Chap Singh		Father's Name: Chap Singh
5.	Monnu		
6.	Mardo Devi		

8. Reasons for delay in reporting by the complainant/informant:

9. Particular's of properties of interest:-

S.No. Property Type

Sub-Type

Value (In Rs/-)

10. Total value of property stolen (In Rs/-)

11. Inquest Report/ U.D. case no., if any:

S.No. UIDB Number

#### 12. Contents of FIR:-

Statement of Chotto Devi wife of Zile Singh caste Jaat resident of village Badesra aged 60 years Mobile:-9991818097. Stated that I am resident of above said address. On 12.9.2015 in the evening, I had gone to the house of Hawa Singh S/o Chajju Ram caste Jaat resident of village Badesra and I stated that you had taken our pipes and the same be return and put in our field. Then Hawa Singh stated that we had not taken the pipe, then I came Back to my house. At about 8:30 PM, I came to know that Hawa Singh etc quarreled with my son Ashok near temple. When I was going towards the temple side, then Guddi Devi wife of Chap Singh and Yogesh son of Chap Singh caste Jaat resident of Badesra met me and Guddi Devi started abusing to me. When I told her to stop abusing me, then she gave a danda blow having in her hand on my left hand. Then Yogesh gave a jailey blow on my right hand. At that time, Hawa Singh son of Chhaju Ram and Chap Singh son of Hawa Singh who were having Jaileys in their

hands, then Hawa Singh gave a Jailey blow on my back and Chap Singh gave a Jailey blow on my left shoulder. On this, I fell down. At the same time, Monu and Mardo Dvi came there who were having danda in their hands. Monu caused the injury on my foot and Madro Devi gave the injury on my shoulder. Then Chap Singh gave a Jailey blow on my right hand. I raised the alarm "Mar Diya Mar Diya", then my son Kuldeep and my husband Zile Singh came there and saved me. Otherwise they would have caused more injuries. Legal action may be taken against Hawa Singh, Chap Singh, Yogesh, Monu, Guddi Devi and Mardo Devi. Chap Singh had given the threat to kill me. Statement got recorded, heard which is correct. RTI Chotto Devi. Attested Ajit Singh ASI PS Bawani Khera dated 13.9.2015. Police Proceedings:- Today on 13.9.2015, Mohrar of Police station told that injured Choto Devi wife of Zile Singh caste Jaat resident of village Badesra is admitted in GH Bhiwani due to the injuries received in the quarrel. For the proceedings, I ASI alongwith CT Ramesh Kumar 321 reached in GH Bhiwani. I/C PP GH Bhiwani gave a doctri ruqa alongwith MLR of Chotto Devi in which doctor had given the opinion in the ruga that she is fit to make the statement. We reached in ward no.5 on the bed of injured Chotto Devi and wrote the above said statement and read-over and understood to her word by word. After admitting as correct, she put her left hand thumb impression which was attested by me. In the MLR No.PN/GH/bwn/180 2015 dt. 12.9.15 doctor found five injuries to Chotto Devi and all were KUO blunt Adv and X-Ray. On

the basis of the statement and MLR and on finding the offence U/s 323/506/34 IPC, the writing is being sent through CT Ramesh Kumar 321 in Police station for registration of case. After registration of the case, case number be informed in writing. During the same time, I/C PP GH Bhiwani produced two ruqa and MLR of Chap Singh son of Hawa Singh and Guddi Devi wife of Chap Singh resident of village Badesra the second party and told that the injured were already referred to PGIMS Rohtak. So I ASI is proceeding to PGIMS Rohtak Sd/- Ajit Singh ASI PS Bawani Khera dated 13.9.15 at 1:30 PM at GH Bhiwani. Place Police Station:- On receiving the writing through C Ramesh 321 in the police station, the case no.234 dated 13.9.2015 U/s 323/506/34 IPC was registered in PS Bawani Khera. The copy of police missal alongwith original writing after recording Kaimi note are being sent to the same ASI through same constable. Copies of the FIR will be sent through post to the officials.

- 13. Action: since the above information reveals commission of offences under section as taken: mentioned at item no.2.
  - (1) Registered the case and took up the investigation:
    Or
  - (2) Directed (name of I.O) Ajit Singh
     Rank: ASI (Assistant Sub-Inspector)
     No.886 to take up the investigation Or
  - (3) Refused investigation due to Or
  - (4) Transferred to P.S.: on point of jurisdiction District:

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant free of cost.

R.O.A.C.

14. Signature/Thumb impression of the complainant /informant.

Signature of Officer in charge, Police Station

Name: Desh Raj RANK: SI (Sub-Inspector) No.:450H

15. Date and time of dispatch to the court.

CERTIFIED TO BE TRUE TRANSLATION

**ADVOCATE** 

AlSheola

Yogesh Kumar Vs. State

1

#### HRBH010069242021



#### BA/1109/2021

#### Yogesh Kumar Vs. State of Haryana

In the Court of Shri K.P. Singh, Addl. Sessions Judge, Bhiwani.

(UID No. HR0160)

Bail Application No. 169 of 2021 Date of Institution: 21.09.2021 Date of Decision: 23.09.2021

CIS:BA/1109/2021

Yogesh Kumar aged 32 years son of Chap Singh, resident of village Badesra, Tehsil and District Bhiwani.

.....Applicant-accused.

#### Versus

State of Haryana.

..Respondent

FIR No.: 234 dated 13.09.2015 Under Sections: 323,325,34,506,IPC Police-Station: Bawani Khera

Bail application under Section 438 Criminal Procedure Code.

Present: Shri Raj Kumar Gugnani, advocate for applicant-accused

Shri M.K. Ahlawat, Public Prosecutor for State.

HC Vinod in person.

#### ORDER:

Present order shall dispose of an application for anticipatory bail filed by applicant, in Case FIR No.234 dated 13.09.2015, under Sections 323,325,34,506 IPC of Police Station- Bawani Khera.

- Notice of the application was given to the State, which filed its reply through learned Public Prosecutor for the State wherein the version of the State is that if applicant-accused is released on anticipatory bail then applicant-accused may pressurize the prosecution witnesses.
- Allegations, in brief, against the applicant-accused are that on 13.09.2015 at about 8.30 pm, applicant-accused alongwith co-accused inflicted injuries to complainant/injured Chhotu Devi and when she raised alarma, her husband Zile Singh and her son Kuldeep Singh reached there and rescued her from clutches of accused. Challan against remaining accused except applicant-accused was filed as proclamation under Section 82/83 Cr.P.C. has been issued against him.
- 4 Rival contentions of the parties have been heard at length and the papers has been perused carefully and thoroughly.
- Learned counsel for the applicant-accused has contended that in main case against remaining accused court has specifically made observation that complainant party is aggressor and vide judgment dated 09.12.2019 remaining accused have already been acquitted. It is next argued that applicant-accused has not been declared P.O. in the present case and he is ready to join investigation, therefore, he is entitled for pre-arrest bail. Learned counsel for applicant-accused has relied upon \_Inderjit Singh Vs. State Of Punjab 2020(2) RCR (Criminal) 471.
- On the other hand, the learned Public Prosecutor for State

Yogesh Kumar Vs. State

3

has opposed the bail application.

- I have heard learned counsel for applicant-accused and learned PP for State and perused the papers thoroughly.
- 8 LCR perused. Shri Parveen Kumar, the then Ld. JMIC, Bhiwani has passed following order on 19.02.2016 qua applicant-accused Yogesh

Proclamation issued against accused Yogesh received back duly executed and HC Sandeep No.761 PS Bawani Khera vide his separately recorded statement stated that he has duly executed proclamation against accused Yogesh on 18.02.2016. Hence presence of accused Yogesh is awaited for 18.05.2016.

But inadvertently on 18.05.2016 accused Yogesh could not be declared P.O. in zimni order. Though, specifically neither in zimni order dated 19.02.2016 nor in zimni order dated 18.05.2016, accused Yogesh was declared as PO however, prescribed period of 30 days for his presence after affixation of proclamation under Section 82/83 Cr.P.C. had already been lapsed and he was required to be declared as PO on 18.05.2016 but inadvertently he could not be declared PO.

9 Keeping in view the conduct of the accused Yogesh coupled with the fact that weapon used by him is to be recovered as per reply of bail application. Therefore he is not entitled for anticipatory bail. I have no doubt regarding law laid down *Inderjit Singh Vs. State Of Punjab 's case (supra)* but law laid down in this

Yogesh Kumar Vs. State

4

case is not applicable to the facts and circumstances of the present case as proceedings under Section 82 Cr.P.C. against applicant-accused had already been completed even on 19.02.2016 i.e. more than five years prior.

In these circumstances, there is no merit in the bail application filed by the applicant-accused hence, without further commenting on the merits of the case, the anticipatory bail application of the applicant-accused stands dismissed. Copy of this order alongwith LCR be sent back to the concerned court and bail application file be consigned to record room.

Announced in open Court: 23.09.2021

(K.P. Singh) Additional Sessions Judge, Bhiwani. (UID No.HR-0160)

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

(K.P. Singh) Additional Sessions Judge, Bhiwani. (UID No.HR-0160)

Manju Bala, Stenographer-II.

tree Copy

Andrew

#### HRBH010032762018



## IN THE COURT OF MISS HARSHALI CHOWDHARY, ADDITIONAL SESSIONS JUDGE, BHIWANI.

Sessions Case No.: 102 of 12.4.2018/2.8.2019. Sessions Trial No. 91 of 12.4.2018. CIS Registration No.: SC-88 of 2018 CNR No. HRBH01-003276-2018 Date of Decision:9.12.2019.

State Versus

- 1. Monu alias Kashmir son of Chap Singh,
- 2. Guddi wife of Chap Singh,
- 3. Chap Singh son of Hawa Singh,
- 4. Mardo Devi wife of Hawa Singh,
- 5. Hawa Singh son of Chhaju Ram, all residents of village Badesra, District Bhiwani.

.....Accused.

FIR No. 234 dated 13.9.2015.

Under Sections: 323, 325, 506, 34 IPC

Police Station: Bawani-Khera.

Argued by:

For the State :Shri Ajay Kumar, Public Prosecutor

For the complainant :Ms. Manju Sharma, Advocate For all the Accused :Shri R.K. Gugnani, Advocate.

#### JUDGMENT:

1. Prosecution case, as culled out, from the record was that on 13.9.2015, on receipt of intimation regarding admission of Choto Devi complainant in GH Bhiwani, PW8 ASI Ajit Singh along with constable Ramesh PW1 went to Police Post, General Hospital, Bhiwani and obtained ruqa Ex. PW1/A and Ex. PW1/B. Thereafter, he went to General Hospital, Bhiwani and recorded the statement of Choto Devi Ex. PW4/A wherein she averred that on 12.9.2015, she

2

had gone to the house of Hawa Singh son of Chajju Ram for fetching her pipe so taken by them. But he refused the same on which she returned home. On 13.9.2015 at about 8:30 PM, while her son Ashok had crossed the house of the accused persons on his way to temple, the accused persons quarreled with her son. She reached at the spot on hearing the noise. Upon seeing her, Guddi started hurling abuses at Chotto Devi. Guddi assaulted upon her with Danda on her left hand. Chap Singh also gave a jelly blow on her right shoulder. Hawa Singh gave a jelly blow on her back. Mardo Devi reached and gave a danda blow on her left shoulder. Monu gave a danda blow on her both legs. When she raised hue and cry, her husband Zile Singh and son Kuldeep PW5 reached at the spot and rescued her from the clutches of the accused. All the accused also threatened her to kill. Her son got her admitted to General Hospital, Bhiwani where in she was medico-legally examined.

2. PW 8 ASI Ajit Singh made his endorsement Ex.PW8/A on the statement of the complainant and sent tehrir through constable Ramesh for registration of FIR. FIR Ex.PW2/A was got registered by PW2 SI Sugan Lal and made his endorsement as Ex.PW2/B in this regard. On 12.9.2015, PW6 Dr Parveen Kumar medico-legally examined Choto Devi and prepared MLR Ex.PW1/B. On

3

14.9.2015, PW7 Dr R.S. Sisodia radiologically examined Choto Devi and found fracture of both bones of right forearm vide x-ray report Ex. PW7/A. On 28.9.2015, PW8 ASI Ajit Singh moved an application Ex.PW8/C for obtaining x-ray report of Choto Devi as there was a fracture and thereafter, he added section 325 IPC in this case. On 29.9.2015, PW8 ASI Ajit Singh arrested accused Hawa Singh, Chap Singh and Gudi. At the time of arrest, accused Chap Singh produced the Lathi and same was taken into possession vide memo Ex. PW1/A. On 4.12.2015, accused Mardo Devi and Monu had surrendered before the court of learned Illaqa Magistrate. On 30.1.2016, PW8 ASI Ajit Singh had moved an application Ex.PW1/D seeking opinion from PW6 Dr Parveen Kumar with respect to the nature of injuries on the person of Choto Devi to which the concerned Doctor vide opinion Ex.PW1/E found injury no.1 to be grievous in nature while injury no 2 to 5 were simple in nature. PW3 DSP Ramesh Kumar after the completion of investigation prepared the challan against the accused persons under section 173 Cr.P.C.

- 3. Learned Illaqa Magistrate supplied copy of challan to the accused persons, free of costs, as envisaged under section 207 Cr.P.C.
- 4. It is pertinent to mention here that on 19.2.2018, an application under section 223 Cr.P.C. was filed by the counsel for the

4

complainant and the same allowed vide order dated 30.3.2018 by learned Illaqa Magistrate and the accused persons were committed to the Court of learned Sessions Judge, Bhiwani by the court of Ms Sanchita Singh, learned Judicial Magistrate First Class, Bhiwani vide order dated 30.3.2018 for 12.4.2018. Case was received by

- 5. After perusing the report under Section 173 Cr.P.C. and other
  - accompanying documents, a prima-facie case punishable under

sections 323, 325, 506 read with section 149 of Indian Penal Code

was made out against all the accused persons and they had been

accordingly charge-sheeted vide order dated 27.10.2017, to which,

they pleaded not guilty and claimed trial.

assignment to the Court of the undersigned.

6. In order to prove the above referred investigation conducted by the

investigating agency, the prosecution has examined as many as

eight witnesses. PW1 EHC Ramesh remained in the investigation

with ASI Ajit Singh and proved the investigation so conducted by

ASI Ajit Singh.

PW2 SI Sugan Lal, recorded formal FIR Ex.PW2/A and made his

endorsement Ex.PW2/B in this regard.

PW3 DSP Ramesh Kumar, after completion of investigation,

prepared final report under section 173 Cr.P.C.

PW4 Smt. Choto Devi was the complainant and injured in this

5

case.

**PW5** Kuldeep Singh is the son of the complainant, who on hearing the noise of his mother Chhoto Devi, came out from his house and saw that accused Yogesh. Chap Singh, Hawa Singh, Mardo Devi, Monu and Guddi Devi were causing injuries to his mother. He also shifted his mother to GH Bhiwani.

**PW6 Dr. Parveen** had medico-legally examined Chhoto vide MLR Ex.PW1/B. He also gave his opinion Ex.PW1/E vide which he declared injury No.1 as grievous in nature.

**PW7 Dr. R.S. Sisodia,** had radiologically examined Chhotio and found fracture of both bones of right forearm and proved his report as Ex.PW7/A.

Thereafter, learned Public Prosecutor gave up PW Zile Singh, present in the court being unnecessary.

**PW8 ASI Ajit Singh** was the investigating officer in this case and proved the investigation so conducted by him.

Thereafter, learned Public Prosecutor closed the prosecution evidence as list of witnesses has been exhausted on 5.10.2019.

7. After the completion of the prosecution evidence, accused persons were confronted with the incriminating evidence during their examination under Section 313 of the Code of Criminal Procedure.
They refuted the allegations and pleaded that they had been falsely

6

implicated in this case. They never caused injuries to complainant. Complainant party was the aggressor party and they caused injuries to them with intention to kill them. Accused Monu and Yogesh were not present at the spot. Hawa Singh came later on. Complainant got prepared false MLR/false medical record to falsely implicate them and to save themselves in case under section 307 IPC. Nothing has been recovered from them. Police investigation was tainted.

8. In defence evidence, the accused persons tendered into evidence copy of final report under section 173 Cr.P.C. submitted in the cross case titled State versus Kuldeep and others Ex.D1 stating that on 13.9.2015, ASI Ajit Singh who was posted at Police station Bhawani Khera received medical rukka dated 12.9.2015 from General Hospital, Bhiwani with regard to the admission of Chap Singh, Guddi Devi and Mardo Devi. ASI Ajit Singh moved an application to the concerned medical officer at to record the statement of the injured persons on 13.9.2015 on which the concerned medical officer at Government Hospital Bhiwani on the same date at 12:30 PM made the endorsement with regard to referring of the injured persons to PGIMS Rohtak. He reached PGIMS Rohtak and moved another application for recording the statement of Chap Singh, Guddi Devi and Mardo Devi. On the said

7

application, the concerned medical officer stated that Mardo Devi was not in fit condition to make the statement while Guddi Devi and Chap Singh were discharged on 13.9.2015. Mardo Devi, injured had undergone treatment at PGIMS Rohtak, as such, her MLR was conducted by Dr. Dinesh Grover, CMO, PGIMS Rohtak on 13.9.2015. The treatment of Mardo Devi continued at PGIMS Rohtak by Dr. Rathindra Tripura with the preparation of short stay file, x-ray reports and CT Scan. NCCT of Mardo Devi was also conducted by Dr. Shubhangi Sharma, PGIMS Rohtak to whom Mardo Devi was referred from emergency ward on 13.9.2015 with NCCT report and CT scan report. Mardo Devi remained hospitalized from 13.9.2015 to 18.9.2015. On 13.9.2015, Guddi Devi was radiologically examined in which fracture was found on her left clavicle. Chap Singh was also radiologically examined on 13.9.2015 wherein no fracture was found on him. On 14.9.2015, ASI Ajit Singh recorded the statement of Guddi Devi and on the basis of statement of Guddi Devi and preliminary medical record so collected in the shape of MLRs of Guddi Devi and Chap Singh, police proceedings were recorded on 14.9.2015. Such, tehrir was sent through constable Ramesh for registration of FIR. It was also mentioned in the police proceedings that the present complainant Chotto Devi had also got registered one FIR NO. 234 under section

Q

323, 506 read with section 34 IPC against the injured persons on 13.9.2015. FIR No.236 under sections 323, 506 read with section 34 IPC was registered at Police Station Bawani-khera against Zile Singh, Ashok, Chhoto Devi and Kuldeep by ASI Satpal Singh and endorsement was made in that regard. Taking investigation further, Accused Kuldeep and Ashok were arrested on 2.10.2015 and Pharsa was recovered from Kuldeep, lathi was recovered from accused Ashok. On 3.10.2015, accused Zile Singh and Chhoto Devi were arrested by ASI Ajit Singh and lathi were recovered. All the case properties were deposited with the MM, District Maal Khana. On 31.12.2015, an application was moved by ASI Ajit Singh to Medical Officer, GH Bhiwani seeking opinion with regard to nature of injuries suffered by Guddi Devi. On the basis of the opinion by Dr. Parveen Kumar dated 31.12.2015 with regard to the fracture on Guddi Devi, section 325 IPC was added. The investigating agency also moved an application for seeking bed head tickets of Guddi Devi, Chap Singh and Mardo Devi to PGIMS Rohtak on 28.9.2015, as such, the files pertaining to Guddi Devi and Chap Singh were received on 20.10.2015. An application was moved to concerned medical officer PGIMS Rohtak for obtaining the bed head ticket of Mardo Devi on 3.12.2015. After receiving the bed head ticket of Mardo Devi, another application to Medical Officer, GH Bhiwani

was moved seeking opinion of injuries on Mardo Devi dated 31.12.2015 by ASI Ajit Singh. On the said application, Dr. Parveen Kumar made the endorsement that the final opinion be taken from the treating doctor. On the same application, vide opinion, Dr. Rithandra Tripura asked the expert opinion from Neurosurgeon who operated on Mardo Devi and final opinion would be given by the doctor who prepared the MLR after expert opinion. Another application was moved by ASI Ajit Singh dated 4.2.2016 to Medical Officer, PGIMS Rohtak seeking nature of injury of Mardo Devi. On the said application, opinion with regard to the injury on Mardo Devu as 'Dangerous to life' was given by the concerned doctor Dr. Dinesh Grover on 19.2.2016 and accordingly, the investigating officer added section 307 IPC. After the addition of section 307 IPC, accused Ashok, Zile Singh and Chhoto Devi were arrested on 15.3.2016 by SI Subhash Chander, Second Investigating officer. On 22.3.2016, accused Kuldeep was arrested. HC Dharmender, Draftsman, DPO also prepared the scaled site plan on the demarcation of Mardo Devi of the place of occurrence on 30.3.2016 at the behest of Inspector Ramesh Kumar. On 17.4.2016, case properties in the shape of 'Pharsa' and lathis allegedly recovered from the accused persons were obtained from MM of Police Station Bawani-khera and they were converted into sealed

parcels after preparing their sketches. Case property was deposited on 2.5.2016 to HC Suresh Kumar by SI Subash Chander. Later on, an application dated 20.5.2016 moved by SI Subhash Chander to Medical Officer, PGIMS Rohtak as to seek opinion as to whether or not the injuries could be caused by the weapons that is the case property. On the said application, Dr. Dinesh Grover gave his opinion of possibility of suffering the said injuries from the produced opinion could not be ruled out. Thereafter, the said case property was again converted into sealed parcel by Dr. Dinesh Grover with his seal MCHR and the same were deposited by SI Subhash Chander to MHC, Police Station Bawani-Khera. 18.7.2016, Constable Veer Partap was handed over the case property by for depositing the same in FSL Madhuban and after depositing the case property constable Veer Partap handed over the receipt to HC Rajesh. After completion of the investigation, challan was filed by the officiating SHO Subhash Chander on 27.6.2016. Copy of charge-sheet served upon accused Kuldeep, Chhoto Devi, Zile Singh and Ashok (complainant party in this case) as Ex.D2, copy of MLR of Mardo Devi as Ex.D3, copy of opinion of the doctor dated 16.1.2016 Ex.D4, copy of x-ray report of Mardo Devi as Ex.D5, copy of x-ray report of Chap Singh as Ex.D6, copy of xray report of Guddi as Ex.D7, copy of crime detail report as

Ex.D8, copy of deposition of Dr. Sanjiv Jindal as PW4 in cross case titled State versus Kuldeep and others as Ex.D9, copy of statement of Dr.Dinesh Grover as PW5 in cross case titled State versus Kuldeep and others as Ex.D10, copy of statement of Dr. Rathindra Tripura as PW11 in cross case titled State versus Kuldeep and others as Ex.D11 and copy of statement of Dr. Shubhangi Shrma as PW12 in cross case titled State versus Kuldeep and others as Ex.D12.

- 9. The Court has heard learned Public Prosecutor assisted by learned counsel for the complainant and learned defence counsel and also gone through the case file very carefully.
- 10. After having heard learned Public Prosecutor assisted by learned counsel for the complainant and learned defence counsel, for the sake of convenience, the present case is categorized under following headings:
- 10.1) Genesis of occurrence;
- 10.2) Manner and Tenor of the alleged incident dated 12.9.2015:
- 10.3) Right of private defence and non explanation of the injuries suffered by the accused persons Guddi Devi, Mardo Devi and Chap Singh.

#### Genesis of Occurrence:

11. As per the prosecution version, Chotto Devi made the statement to

12

police on 13.9.2015 wherein she averred that on 12.9.2015, she had gone to the house of Hawa Singh son of Chajju Ram for fetching her pipe so taken by them. But he refused the same on which she returned home. On 13.9.2015 at about 8:30 PM, she came to know that while her son Ashok was crossing the house of the accused persons on his way to temple, the accused persons were quarreling with her son. She reached at the spot on hearing the noise. Upon seeing her, accused Guddi and Yogesh started hurling abuses at her. Accused Guddi assaulted upon her with Danda on her left hand while she was also hit with jelly by Yogesh. Accused Chap Singh also gave a jelly blow on her right shoulder. Accused Hawa Singh gave a jelly blow on her back. Accused Mardo Devi reached and gave a danda blow on her left shoulder. Accused Monu gave a danda blow on her both legs. When she raised hue and cry, her husband Zile Singh and son Kuldeep reached at the spot and rescued her from the clutches of the accused. Her son got her admitted to General Hospital, Bhiwani where in she was medicolegally examined. Chotto Devi stepped in the witness box as PW 4 in the Court to prove her statement made to the police wherein with some improvements qua criminal intimidation and the factum that Guddi, Mardo Devi, Hawa Singh, Monu, Yogesh (P.O) and Chap Singh were quarreling with her son Ashok, she also proved her

statement as Ex. PW4/A made to the police. Prosecution also got examined Kuldeep Singh, the alleged rescuer as PW5 who deposed that on hearing the noise of his mother Chhoto Devi, he and his father came out from their house and saw that accused Yogesh, Chap Singh, Hawa Singh, Mardo Devi, Monu and Guddi Devi were causing injuries to his mother. On seeing them, they fled away from the spot. He and father later shifted his mother to GH Bhiwani.

- 12. It would be pertinent to observe that place of occurrence shown by PW 8 ASI Ajit Singh in his crime detail form in the present case as Ex. P8/B is same as shown by him in the cross case arising out of FIR No. 236 dated 14.9.2015 under section 307, 323,325, 506 read with 34 IPC as evident from the crime detail form so placed on record as Ex. D8. It was outside the houses of the parties on the street that the incident took place on 12.9.2015 at 8:30 pm. During the course of arguments, it was conceded by both the learned counsel for the complainant and that of accused persons in the present case that parties that is injured and assailants in either of the cases are related to each other and their houses are adjacent to each other on the same street.
- 13. Trigger point for the occurrence is also crystal clear that earlier complainant Chotto Devi visited the house of the accused

14

Guddi Devi to take back her pipes. She was refuted by Hawa Singh on which she came back.

Manner and Tenor of the alleged incident dated 12.9.2015.

14. In order to prove the incident dated 12.9.2015, prosecution

examined two vital witnesses Smt. Chhoto Devi as PW4 and PW5

Kuldeep Singh. All the witnesses categorically tried to establish

their version of the manner and tenor of the prosecution case as

they wanted the court to believe. PW4 Chhoto Devi deposed that

on 12.9.2015 at about 8.30 P.M. her son Ashok was going towards

temple while the house of the accused fell on the way. Guddi,

Mardo Devi, Hawa Singh, Mohini, Yogesh (proclaimed offender)

and Chap Singh quarreled with her son Ashok. On hearing the

noise of her son, Ashok, she reached at the spot. Upon seeing her,

Guddi started abusing her, who was having danda in her hand.

When she asked her to not to abuse, Guddi gave a danda blow on

her left hand, while Yogesh gave a jelly blow on her right hand.

Chap Singh also gave a jelly blow on her right shoulder. Hawa

Singh gave her a jelly blow on her back. Mardo and Monu came

there and Mardo Devi gave her a danda blow on her shoulder.

Monu gave danda blow on her both legs. When she raised hue and

cry, her son Kuldeep and her husband Zile Singh came at the spot

and rescued her from the clutches of the accused. All the accused

15

threatened her to kill. Her son got her admitted in GH Bhiwani where she was medico-legally examined. She also proved her statement Ex.PW4/A. PW5 Kuldeep Singh, the alleged rescuer deposed that on 12.9.2015, at about 8.30 P.M., he and his father heard the noise of his mother from the street and came outside. They saw that the accused persons causing injuries to his mother. On seeing them, they fled away from the spot. He shifted his mother to Civil Hospital, Bhiwani.

15. On the other hand, defence version was as per the statement made by Guddi Devi as noted in the final report under section 173 Cr.P.C. in FIR No.236 dated 14.9.2015, under section 323, 325, 506 and 307 read with section 34 IPC, P.S. Bawani-Khera that on 12.9.2015 after verbal altercation, on the same night, while she and her mother in law Mardo Devi accused had gone out for urination, then, Kuldeep son of Zile Singh (PW5/alleged rescuer in the present case) armed with *Pharsi* and Ashok son of Zile Singh armed with Lathi came. Ashok hit her with lathi on her left hand while Kuldeep gave a *pharsi* blow on the head of her mother in law Mardo Devi. Meanwhile, Chotto Devi and Zile Singh came (armed with Jelly) and again hit accused Mardo Devi on her head. Chotto Devi armed with Danda hit the present accused Guddi Devi on her back. Zile Singh again hit Mardo Devi on her head due to which

accused and father in law Hawa Singh accused appeared at the spot

she fell down. When they raised alarm, her husband Chap Singh

who were also hit by the complainant party etc. When villagers

gathered at the spot, complainant party etc. fled away from the spot

after criminal intimidation. She prayed that criminal action be taken

against the assailants/present complainant party etc.

16. Weighing both the versions so put forth, the version given by the

accused party is more believable to rely upon considering the fact

that the accused persons had no reason to initiate any fight with the

complainant Chhoto Devi or her son Ashok. It was Chhoto Devi

who had visited the house of the accused party to take back her

pipes on which she was refuted by Hawa Singh and Guddi Devi. If

the accused version is taken into consideration, it was upon hearing

the noise of Ashok from the street that Chotto Devi came out at

around 8.30 P.M. on 12.9.2015. Deposition of Ashok could have

been a clinching evidence to prove the story put forth by the

prosecution but the son Ashok has neither been joined investigation

nor has been cited as prosecution witness nor had been examined

during the prosecution evidence for the reasons best known to

them. Further, it is strange that the accused persons would leave

Ashok and attack upon the complainant Chhoto Devi without any

rhyme or reason. Even Ashok was not medico-legally examined

while nothing has been spoken upon by the prosecution on the status of Ashok. The testimony of Kuldeep, the alleged rescuer as PW5 was only to the effect that he and his father rescued their mother when they saw the accused persons allegedly assaulting the complainant Chhoto Devi. He also did not make any deposition with regard to the status of Ashok. It is the settled law of criminal jurisprudence that prosecution has to prove the case beyond reasonable doubt while the defence has to only put the dent in the story of the prosecution on preponderance of probabilities. In the light of circumstances, the prosecution could not succeed in establishing the manner and tenor in which the alleged incident dated 12.9.2015 took place. As such, the defence version put forth by the accused persons dated 12.9.2015 is hereby accepted while the prosecution version with regard to the manner and tenor is hereby rejected.

Right of private defence and non explanation of the injuries suffered by the accused persons Guddi Devi, Mardo Devi and Chap Singh.

17. Attention of the Court was drawn towards the injuries suffered by

Chotto Devi as proved by Dr Parveen Kumar PW 6 in the present
case. The said witness deposed that on 12.9.2015, he medicolegally examined Chotto Devi. He also proved the injuries on the

person as:

- → A lacerated wound of size 2x0.5 cm posterior aspect of left shoulder. Advise x-ray left shoulder AP&L, Ortho opinion.
- → Bruising over posterior aspect of right shoulder. Advise x-ray right shoulder AP&L.
- → Reddish Bluish discolouration just above left knee anterolateral aspect of size 5x4.5 cm.. Advise x-ray l eft leg AP&L. Ortho opinion.
- → Complain of pain & reddish abrasion present over back side above lumbo sacral area. Advise x-ray LS spine AP&L.

Attention of the Court was also drawn towards the testimony of PW 7 Dr RS Sisodia so recorded in the present case that on radiological examination of Chotto Devi, the concerned Medical officer found fracture of both bones of right arms. It clearly shows that the accused persons were the assailants as aggressors and any injury suffered by them during the occurrence was caused in the right of the the complainant party in private defense of Chotto Devi.

- 18. Per contra, MLR of Mardo Devi, the present accused dated 13.9.2015 was placed on record as Ex.D3 by the defence which was also duly proved by Dr. Dinesh Grover as PW5 in the cross case so placed on record as Ex.D10.
  - Injuries on the person of Mardo Devi in MLR as shown in Ex.D3 conducted by Dr. Dinesh Grover as Ex.D10.
- → Lacerated would of size 2x0.5 cm over left parietal region.

→ Swelling present over left hand.

→ Lacerated wound of size 4x1 cm over medial aspect of left foot.

Mardo Devi and found depressed and communted fracture of left parietal bone and fracture of left temporal bone. There was epidural hematoma in left temporal parietal region and hemorrhage contusion on bilateral frontal region. NCCT report and CT scan report were also proved by her. Testimony of PW11 Dr Rathindra

19. As per Ex.D12, deposition of Dr. Shubhangi Sharma, who was

examined as PW12, she on 13.9.2015, conducted NCCT head of

Tripura as Ex.D11, who operated on the head injury of Mardo Devi

was also placed on record, who also proved his opinion on the

application of police dated 14.1.2016. Further the attention the

court was gone towards the testimony of PW5 Dr. Dinesh Grover as

Ex.D10 wherein he not only proved the conducting of MLR of

Mardo Devi but he also gave his opinion with regard to the injuries

suffered by Mardo Devi as dangerous to life.

20. Attention of court was thereafter taken to the x-ray report of Guddi

Devi as well as Hawa Singh as Ex.D5 and Ex.D7 duly proved by

Dr. Subhangi Sharma so placed on record as Ex.D6 in which she

found no fracture on the person of Hawa Singh and fracture of left

clavicle bone on Guddi Devi.

21. In order to find whether the right of private defence is available or

not, the entire incident must be examined. The injury received by the complainant Chhoto Devi, the imminent threat and injuries caused by Chhoto Devi etc. and the circumstances whether the complainant Chhoto Devi had time to recourse the public authority are all the relevant factors to consider the plea of private defence. It has categorically come on record that the incident took place outside at the time when the accused Guddi Devi and Mardo Devi had come out at night where the complainant party Ashok and Kuldeep were already present with weapons. The same was by no means a matter of chance. These acts bears a stamp of design to attack and take the case out of the purview of the private defence in the hands of present complainant etc.

22. It is a settled law that burden to prove the availability of the private defence is on the accused persons but it is not to be proved beyond reasonable doubt. This right is defence and not retributtive, therefore, any injury caused by the accused persons can be taken into consideration as private defence exercised by them and not vice versa. Right of private defence cannot be allowed to be pleaded or availed as aggressive or retributive purpose. The right is available against all the offences so an aggressor i.e. the complainant party cannot claimed a right of self defence. Rather the complainant had not even established the right of private defence

that takes us to the next poser i.e. non explanation of the injury

suffered by the accused Mardo Devi, Guddi Devi and Chap Singh.

23. It has been deposed by PW5 Kuldeep that when the accused

persons saw him and his father, they fled away from the spot.

Neither PW5 Kuldeep nor PW4 Guddi Devi anywhere deposed that

they caused injuries to the accused persons in right of their private

defence.

24. That apart, the prominent lacunae left by the prosecution was non

explanation of the injuries sustained by accused Guddi Devi, Mardo

Devi and Chap Singh.

25. Hence, weighing the injuries suffered by Chhoto Devi, the

complainant and serious injuries suffered by Mardo Devi and

fracture by Guddi Devi and hurt by rescuer Chap Singh coupled

with the fact that the prosecution version of the occurrence had

already been accepted by the court. There remains no doubt in the

mind of the court that the complainant party etc. were the

aggressors while any injuries so attributed on Chhoto Devi was on

account of the private defence of the accused person.

26. As a cumulative effect of the discussion so made above, the

accused Monu, Guddi Devi, Mardo Devi, Hawa Singh, Chap Singh

deserve to be acquitted of the charges framed against them.

27. Accordingly, the above named accused persons stand acquitted of

the charges framed against them for commission of offences under section 325,325 and 506 read with section 149 IPC. Case property be disposed of as per rules after the expiry of period of appeal/revision if any. Bail bond and surety bond of the above named accused persons who are on bail have been extended for one month for the purpose of 437-A Cr.P.C. File be consigned to the record room, after due compliance.

Pronounced in open court on 9th day of December, 2019.

(Harshali Chowdhary) (UID No. HR-0200) Additional Sessions Judge, Bhiwani.

Certified that all the pages of this judgment have been checked and signed by the undersigned.

(Harshali Chowdhary) (UID No. HR-0200) Additional Sessions Judge, Bhiwani/9.12.2019

Krishan Kumar, Stenographer Gr.I

Digitally signed by KRISHAN
KUMAR
DN: cn=KRISHAN
KUMAR,ou=JUDICIAL,CID 6503177,o=OFFICE OF DISTRICT
AND SESSIONS JUDGE
BHIWANI,st=Haryana,c=IN
Reason: I attest to the authenticity of
this document Digitally Signed By
Date: 2019.12.10 14:41:39 IST

Cestified to be -true copy -for the

## 省州暑科大學 **GUIZHOU MEDICAL UNIVERSITY**



Date: 2015/10/15

#### **Admission Notice**

Name: YOGESH KUMAR Date of Birth: Sep. 14th, 1989

Nationality: Indian

Dear MR.YOGESH KUMAR

Warmly welcome to study Bachelor of Medicine and Bachelor of Surgery (MBBS) in Guizhou Medical University, P.R. China. It is registered on CMC, WHO and ECFMG list and it is also one of the senior universities in P.R. China.

Guiyang is one of the famous beautiful cities in South-west of China. It is well-known for pleasant weather throughout the entire year.

Congratulation!! You have been enrolled in September/October, 2015 academic session. The tuition fee of our university is RMB 30,000/Year and out of this you have been given RMB 14000/Year as scholarship so you can only pay following fees in your study period:

Tuition fee: RMB 16000 / Academic Year Hostel fee: RMB 3000/Year (double occupancy)

The total duration of study is 6 years including one year internship which can be done in China or your own country. It is also informed that you need to pass HSK examination (Chinese Language Level Test) before graduation.

Other expenses in registration, medical checkup, medical insurance, books, student service, and visa extension will be paid according to the rules and regulation of the university.

Looking forward to meeting you in Guizhou Medical University.

FU Qihong

付启宏

Dean of School of Overseas Ed

海外教育学院 院长

**Guizhou Medical University** 

贵州医科大学

Tel-0086\_(0)851\_88416080

地址: 北校区-中国贵州省贵阳市北京路4号

**南校区—中国资州省资发新达化浇入于**森

电话: 0851-88416022

邮编: 550004

传真: 0851-88416020

Cestified to be true Chy Asless Ach

#### **ANNEXURE P-5**

### **PHOTO**

#### REPUBLIC OF INDIA

Type:- P

County Code:- IND

Passport no.:- N3931852

Surname:- Kumar

Given Name:- Yogesh

Nationality:- India

Sex:- M

Date of Birth: 14/09/1989

Place of Birth:- Bareilly, Uttar Pradesh

Place of Issue:-Chandigarh

Date of Issue:- 09/10/2015

Date of Expiry: - 08/10/2025

Name of Father:- Chap Singh

Name of Mother:- Suraj Kaur

Name of Spouse:----

Address:- H.No.54 Vill Badesra Teh and Distt Bhiwani PIN-127031,

Haryana, India

File no.:- CH4069183393015

CERTIFIED TO BE TRUE TYPED COPY

**ADVOCATE** 

At Sleve-

#### ANNEXURE P-6

### **CHINESE VISA**

J1290695

CATEGORY:- X1

ENTRIES:- 01

ENTER BEFORE:- 02 May 2016

**DURATION OF EACH STAY:- 000** 

**ISSUE DATE:- 02 FEB 2016** 

ISSUED AT:-----

FULL NAME:- YOGESH KUMAR

BIRTH DATE:- 14 SEP 1989

PASS PORT NO.:- N3931852

REMARKS:- Required to apply for residence permit within 30 days from the date of entry.

CERTIFIED TO BE TRUE TYPED COPY

ADVOCATE

AdSlesse

Projectore constone to technical experience con the constance of the contract of the contract

The Degree Awarding Committee, in accordance with "The Regulations Concerning
Academic Degrees in the People's Republic of China", has conferred upon

MR, KUMAR YOGESH

the degree of

BACHELOR OF MEDICINE

A BACHELOR OF SURGERY

with all its rights, privileges and honors

given at Guiyang, China, on the 1st day of July

in the year of 2021

President, Guizhou Medical University Chairman, Degree Awarding Committee

No. 1066042021005512

Certificato be tree Copy At Sleve



# FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.) प्रथम स्चना रिपोर्ट (धारा 154 दंड प्रक्रिया सहिंता के तहत)

1. District (ज़िला): BHIWANI

P.S. (थाना): BAWANI KHERA Year (वर्ष): 2015

FIR No. (प्र.सू.रि. सं.): 0234

Date (दिनांक): 13/09/2015

20:23

S.No. (क्र.स.)	Acts (अधिनियम)	Sections (धारा(ऍ))
. 1	IPC 1860	34
2	IPC 1860	323
3	IPC 1860	506
	(क्र.सं.) 1	S.No. Acts (新閏局यम) (东.स.) 1 IPC 1860 2 IPC 1860

3. (a) Occurrence of offence (अपराध की घटना):

 1
 Day (दिन): Saturday
 Date from (दिनांक से): 12/09/2015
 Date To (दिनांक तक): 12/09/2015

 Time Period (समय अविध): Pahar 3
 Time From (समय से): 08:30 hrs
 Time To (समय तक): 08:30 hrs

 (b) Information received at P.S. (थाना जहां
 Date (दिनांक):
 Time (समय):

 स्चना प्राप्त हुई):
 13/09/2015
 19:36 hrs

(c) General Diary Reference Entry No. (प्रविष्टि सं.): Time (समय): (रोजनामचा संदर्भ): 015 13/09/2015

19:36 hrs

4. Type of Information (सूचना का प्रकार): Written



#### FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

#### प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया सहिता के तहत)

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): EAST, 21 Km(s)

Beat No. (बीट सं.):

- (b) Address (पता): Badesara,
- (c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

- 6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):
  - (a) Name (नाम): Choto Devi
  - (b) Husband's Name (पतिका नाम): Zile singh
  - (c) Date/Year of Birth (जन्म तिथि / वर्ष): (d) Nationality (राष्ट्रीयता): INDIA
  - (e) UID No. (यूआईडी सं.):
  - (f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान):

- (g) Occupation (व्यवसाय):
- (h) Address

(पता):

S.No.	Address Type (पता का	Address (पता)		
(क्र.सं.)	प्रकार)	1		
î	Present Address	Badesara, Badesara, BAWANI KHERA, BHIWANI, HARYANA, INDIA		
2	Permanent Address	Badesara, BAWANI KHERA, BHIWANI, HARYANA, INDIA		

(i) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.):

91-9991818097

System IP (आईपी):10.88.233.142

26/09/2021 09:45:15



#### FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.) प्रथम सूचना रिपोर्ट

## (धारा 154 दंड प्रक्रिया सहिता के तहत)

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S. N (क्र.:		Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)
:	1	Guddi	` ` ` ` `	Husband's Name: Chap singh
	2	Yogesh	200	Father's Name: Chap singh
!	3	Haw singh		Father's Name: Chaju Ram
	4	Chap singh	,	Father's Name: Haaw singh
	5	Momu		
	6	:Mardo devi		

- 8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):
- 9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No.	Property Type (सम्पत्ति के Sub Type (उप प्रकार)				Value(In Rs/-) (मूल्य (रु				
(क्र.सं <i>.</i> )	प्रकार)		;				में))		
		•	, ; ,	240	, ,				

- 10. Total value of property stolen (In Rs/-) (चोरी हुई सम्पत्ति का कुल मूल्य(रु में)):
- 11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. UIDB Number (यू.डी.प्रकरण सं.) (क्र.सं.)

12. First Information contents (प्रथम सूचना तथ्य):

System IP (आईपी):10.88.233.142

26/09/2021 09:45:15



# FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.) प्रथम स्चना रिपोर्ट (धारा 154 दंड प्रक्रिया सहिंता के तहत)

ब्यान अजाने छोटो देवी पत्नि जिले सिहं जाति जाट वासी बडेसरा बा उम्र 60 साल फोन न. 99918-18097 ब्यान किया कि उपरोक्त पते की रहने वाली हूं जो दिनांक 12.09.15 को शाम को मैं हवा सिहं पुत्र छाजू राम जाति जाट वासी बडेसरा के घर पर गई और मैने कहां कि तुमने हमारे पाईप ले रखे है वह पाईप हमारे वापिस खेत में रख दो । जो हवा सिहं ने कहा कि हमने पाईप नही लिए जो मैं अपने घर पर आ गई । जो करीब 8.30 बजे मेरे को पता चला कि मेरे लड़के अशोक के साथ हवासिहं वैगरा ने मन्दिर के पास झगड़ा कर लिया है जो मैं मन्दीर की तरफ जा रही थी । तो गुड़डी देवी पत्नि चाप सिहं व योगेश पुत्र चाप सिहं अकवाम जाट वासियान बडसेरा मिले जो गुड्डी देवी ने मेरे को गालिया देने लग गई । जो मैने गालियों के लिए मना किया जो उसने अपने हाथ में लिया हुआ डण्डा मेरे बांये हाथ पर मारा फिर योगेश ने जेली मेरे दाहिने हाथ पर मारी फिर उसी समय हवा सिहं पुत्र छाजू राम व चाप सिहं पुत्र हवा सिहं जिनके हाथों में जैलिया थी जो हवा सिहं ने जेली मेरी कमर में मारी और चाप सिहं ने जेली मेरे बांए कन्धा पर मारी जो में गिर जो उसी समय मोनु वा मर्दों देवी आ गए जिनके हाथों में डन्डे थे जो मोनू ने मेरे पैरो पर मारी वा मर्दों देवी ने मेरे कन्धा पर मारी फिर चाप सिहं ने जेली मेरे दाहिने हाथ पर मारी मैने मार दिया मार का शोर किया तो मेरा लडका कुलदीप वा मेरा पति जिले सिहं आ गए जिन्होंने मेरे को छुडवाया वरना और चोटे मारते जो हवा सिहं ,चाप सिहं योगेश मोनु गुड्डी देवी वा मर्दो देवी के खिलाफ कानूनी कर्यवाही की जावे । चाप सिहं ने मेरे को जान मारने की धमकी दी है। ब्यान लिखा दिया सुन लिया ठीक है। RTI छोटों देवी attested Ajit singh ASI PS B.Khera dt 13.09.15 कार्यवाही पुलिस- आज दिनांक 13.09.15 को मोहरर थाना ने बतलाया कि मजरुबिया छोटो देवी पत्नि जिले सिहं जाति जाट वासी बडेसरा जो लड़ाई झगड़ा में लगी चोटो के कारण दाखिल GH भिवानी है जिसकी कार्यवाही हेत् मन ASI मय सि. रमेश कुमार 321 के GH भिवानी पहुंचा हूं जो I/C P.P. GH भिवानी ने एक रुक्का डाक्टरी मय MLR अजाने छोटो देवी जो रुक्का में ही डा0 साहब ने ब्यान देने बारे तहरीर किया हुआ है । जो वार्ड न. 5 में मजरुबिया छोटो देवी के बैड पर पहुंचकर उपरोक्त ब्यान हरुफ वा हरुफ लिखा जाकर पढकर सुनाया वा समझाया गया । जिसने अपना ब्यान ठीक मानकर अपने ब्यान के निचे अंगुठा बांया लगाया । जिसकी मन ASI ने तसदीक की है। जो MLR No PN/GH/bwn /180 2015 dt 12.09.15 अजाने छोटो देवी में डा0 सहब ने क्ल 5 चोटे जो सभी Kuo Blunt adv वा X-ray तहरीर की है। जो ब्यान बाला वा MLR से सरेदस्त जुर्म जेर धारा 323/506/34 भा. द. स. का पाया जाने पर तहरीर हजा बराये कायमी मुकदमा बदस्त सि. रमेश कुमार 321 के अरसाल थाना है । बाद कायमी मुकदमा नम्बर पर्चा से



#### FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.) प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया सहिंता के तहत)

स्चित किया जावे । इसी वक्त I/C P.P.GH भिवानी ने दुसरी पार्टी के दो रुक्कें वा MLR अजाने चाप सिहं पुत्र हवा सिहं व गुइडी देवी पिल्न चाप सिहं वासियान बडेसरा पेश की वा बतलाया कि मजरुबान PGIMS रोहतक के रैफर हो चुके हैं । जो मन ASI रवाना PGIMS रोहतक होता हूं । sd Ajit singh ASI PS B. Khera dt 13.09.15 at 01.30 p.m अज Gh भिवानी अज थाना हस्ब आमद तहरीर सि. रमेश 321 के थाना में प्राप्त होने पर तहरीर हजा पर मुकदमा न. 234 दिनांक 13.09.15 धारा 323/506/34 भा. द. स. थाना बवानी खेडा दर्ज रिजस्टर किया जाकर नकल मिशल पुलिस मय असल तहरीर बाद देने कायमी बदस्त सि. आरिन्दा के निजद ASI भेजी जा रही है । नकुलात FIR बजरिया डाक अफसरान बाला की सेवा में भेजी जावेगी ।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

- (1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के Rank (पद): Asst. SI (Assistant Grund): or (या) Sub-Inspector)
- (2) Directed (Name of LO.) (जांच अधिकारी का नाम): ajit singh

No. (सं.): 886 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

Directed (Mobile No. of I.O.) (जांच अधिकारी का मोबाइल नंबर):

- (3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)
- (4) Transferred to P.S. (थाना):
  on point of jurisdiction (को क्षेत्राधिकार के
  कारण हस्तांतरित).

System IP (आईपी):10.88.233.142

26/09/2021 09:45:15



## FIRST INFORMATION REPORT (Under Section 154 Cr.P.C.) प्रथम स्चना रिपोर्ट

(धारा 154 दंड प्रक्रिया सहिंता के तहत)

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

14. Signature / Thumb
impression
of the complainant /
informant (शिकायतकर्ता /
स्चनाकर्ता के हस्ताक्षर /अंग्ठे
का निशान)

Signature of Officer in charge, Police Station (थाना प्रभारी के हस्ताक्षर)

Name (नाम): DESH Raj

Rank (पद): SI (Sub-Inspector)

No. (सं.): 450H

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

true Copy

Anthrea

- Down

भारत	गणराज्य ke	PUBLIC OF	INDIA	
	erbortspor P Grania: Scendedo KUNAR	IND	N3931852	
	YOGESH	·	* 75%	
	indian water INDIAN	y Henry	14/09/1989	******
	BAREILLY,	UTTAR PRADE	SH	<u>-</u> `
	CHAN	DIGARH		ا
J.B.	, 109/1i	அள்ளக்கின் கரை 0/2015	08/10/2025	

P<INDKUMAR<<YOGESH<<<<<<<<<<<<<N3931852<2IND8909143M2510088<<<<<<<<<

,	
. वेर्ष स १ व्यापु वे अधिकामनाम का याच र विभागक प्रोत्ते प्रीच्या र विभाग्ना विच्यालेका	
CHAP SINGH SERVER MARKETS SERVER	N3931862
SURAJ KOUR  offi se and the marks there of Opposes	<u> </u>
वस्ता / द्वेर्त्यहरू	Control of the second s
HNO. SA VILL BADESRA	
TEH AND DISTT, BHIWANI	
PIN:127031, HARYANA, INDIA	
पुरस्य ब्राह्मभागाच्या १ आर प्रस्ता जाले हुन वर्ष सेत्रीय स्वान ता । विस्ता नेपान	and the with that and Place of Jeans
चर्रावेखं स १४ के हैं है.	a no superiore superiore superiores
CHANA0183393015	

Coeffet to be true Cory Addresse

#### In the High Court of Punjab & Haryana Case No: 42978 at Chandigarh

In re	Hogesh Kumay	
<u> </u>	7	Petitioner or Appellant
	VERSUS	
	Chata A Hab	lang
		Defendant /Respondent

KNOW All to whom these presents shall come that I/We, undersigned appoint SHRI RAM AVTAR SHEORAN & SUSHIL SHEORAN, H.No-291, Advocate Society, Sector-49A, CHD, Advocate, High Court of Punjab & Haryana at Chandigarh to be the Advocate for the Pottous in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say :-

- To act, appear, and plead in the above mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or Execution or in any other stage of its progress until its final decision.
- To present Pleadings, Appeals, Letters Patent Appeals, Cross-objections or Petition, for 2. execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cases in all its stages.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes, that shall arise touching or in any manner relating to the said case.
- To receive money and grant receipts there of and to do all other acts and things which may 4. be necessary to be done for the progress and in the course of the prosecution of the
- To employ any other Legal Practitioner authori authorities hereby conferred upon the Advocate whenever h

AND I/We hereby agree to ratify whatever the Adv premises and in this connection.

owers and

AND I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid.

AND I/We hereby agree that the advocate will not be bound to appear for us if the case is transferred to any other Court or the Court at sits at any place other than its normal place on sitting and if any application of Retention is filed in the case, the Advocate will be entitled to a fresh fee as paid in the case.

IN WITNESS WHERE OF I/WE hereinto set my/our hand to these presents the contents of which have been explained to and understood by me/us this the 2.14...day of DC+0642021.

Witness.....

Accepted

(R.A.SHEORAN) & (SUSHIL SHEORAN)

Advocates

P-550/1985 0998893<u>5844</u>

P-2033/2011 09988935814

(Signature or thumb impre