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

**CRM-M No.12982 of 2015
Date of Decision: 15.05.2015**

DEEPAK AND ORS

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Manoj Bajaj, Advocate
for the petitioners.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.378 dated 06.06.2014, under Sections 148, 323, 325, 307 and 506 read with Section 149 IPC, P.S. Nuh, District Mewat.

Learned counsel for the petitioners states that FIR was registered at the instance of Chhattar, who after giving prosecution story, left attribution part to the injured persons with the plea that they would speak themselves about the injuries received by them. Ram Niwas is the injured in terms of injury attracting culpability under Section 307 IPC. His statement was recorded on 10.06.2014.

In view of his statement, part attributed to petitioner No.3-Ajit is that he inflicted *farsa* blow on his head. In respect of other petitioners, there is no part attributed.

Initially FIR was registered under Sections 148, 149, 323, 506 IPC and culpability in terms of Section 325 IPC was added on 25.11.2014, when opinion of Doctor was obtained. According to which injury found on the person of Ram Niwas was described as grievous injury and he was shown discharged from Hospital on 06.06.2014 itself.

Learned counsel states that petitioners were granted bail in the initial offences. Offence under Section 307 IPC was added on 24.02.2015 on the opinion of Doctor of All India Institute of Medical Sciences, New Delhi. According to opinion, the injury sustained to the head and subsequently to brain is dangerous to life. Petitioners were arrested on this enlarged culpability on 09.03.2015.

Learned counsel submits that except Ajit, no attribution has been made against other petitioners even by statement of Ram Niwas who was discharged on 06.06.2014 and injury was described as grievous in nature. After more than eight months the opinion, gave rise addition of offence under Section 307 IPC for which opinion is that the injury to head and subsequently to brain was found to be dangerous to life. The said interpretation has its own meaning that would be seen at the time of trial.

Keeping in view the facts and circumstances of the case, particularly in view of the fact that for initial culpability, petitioners were granted regular bail and for the enhanced culpability that too after a period of eight months, petitioners also deserve to be enlarged on regular bail.

Accordingly, without commenting upon merits of the case at this stage, petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Nuh.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 15, 2015.
Atik

(RAJ MOHAN SINGH)
JUDGE