

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-16886 of 2015

Date of decision:28.05.2015

Rishi Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Surinder Gaur, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Navita Singh, J. (Oral)

This petition has been moved by Rishi under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.286 dated 23.9.2014 registered under Sections 323/326/506/307/34 IPC at Police Station Urban Estate Rohtak, District Rohtak.

The petitioner is in custody since 25.9.2014 and the injury attributed to him was allegedly caused by an ice pick on the right side of the head of Ajay. As per the discharge summary from Maharaja Agrasen Hospital, New Delhi, only one injury was found which was fracture on the left parietal bone.

It is submitted by counsel for the petitioner that according to the case of the prosecution, the injured was first taken to Medical College Hospital, Rohtak but due to strike of doctors, MLR could not be prepared nor the injured was admitted there. Then, he was got admitted in a nearby hospital, i.e. Pearl Hospital. However, doctors refused to entertain the case and in view of the condition of the injured, he was referred from there and was ultimately taken to Maharaja Agrasen Hospital, New Delhi.

According to Dr. Tarun, CMO of Maharaja Agrasen Hospital in

his statement as PW10, Ajay was taken to the said hospital on 23.9.2014 at 10:00 A.M.

The incident took place at 7:30 A.M on the same date and it is submitted that it was not possible that after taking the injured to PGIMS Rohtak and then to Pearl Hospital, he could have reached Delhi at 10:00 A.M.

State Counsel, however, submits that the injury which fell under Section 307 IPC was attributed to the petitioner and he being the main accused should not be released on bail. However, he is not involved in any other criminal case nor he is a previous convict.

The co-accused Satyawar was granted bail by this Court on 21.4.2015.

Though the main injury was attributed to the petitioner while Satyawar was granted bail as he had not caused the main injury, yet it would be seen that it was observed in the order granting bail to Satyawar that no injury was found on the back of the head which was attributed to Satyawar and also no injury was found which was attributed to co-accused Chhota. The fight was sudden and the accused had not acted in furtherance of common intention. The trial is likely to take a long time to conclude.

In view of the above, the petition is allowed. Bail to the satisfaction of the trial Court.

Nothing expressed above should be taken to be an expression on the merits of the case.

28.05.2015
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(NAVITA SINGH)
JUDGE