

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

**CRM-M- 9236 of 2015
Date of Decision: 05.05.2015**

Telu Ram ... Petitioner

Versus

State of Haryana ... Respondent

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

Present: Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner prays grant of regular bail in case bearing FIR No.394 dated 12.10.2014 under Sections 148, 149, 323, 452, 506 IPC and 307 IPC added later on registered at Police Station Gannaur, District Sonapat.

The FIR came to be recorded on the statement of Bijender Singh @ Billu, wherein part attributed to the petitioner is that he inflicted rod blow on right shoulder of complainant. Subsequent part of the FIR recites that petitioner along with others gave injuries to Udhey Singh, Rajender @ Kala and Jony with iron rod on their head and other parts of body and these injured will tell themselves about the injuries inflicted to them by assailants. Initially, FIR was registered

without offence under Section 307 IPC and petitioner was granted bail by Sub Divisional Judicial Magistrate, Gannaur vide order dated 21.10.2014. Statement of injured Rajender is alleged to have been recorded on 20.10.2014, wherein he attributed injury on the head to three persons namely Telu Ram, Charan Singh and Sher Singh. There is one injury found on the head of injured Rajender as per MLR dated 12.10.2014. While granting regular bail to the petitioner, Court of Judicial Magistrate 1st Class has recorded that nothing is to be recovered from the petitioner. The enlarged culpability in terms of Section 307 IPC at a subsequent stage will give rise moot and debatable point so as to attract complexity of petitioner so far as offence under Section 307 IPC is concerned. This is more so, in view of the fact that one injury on the head is being attributed to three persons by the injured himself in his statement dated 20.10.2014.

Without commenting on the merits of this case, petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds and surety bonds to satisfaction of CJM/Sonepat.

Nothing expressed here as above would be construed to be an opinion on any facts and merit of the case.

(RAJ MOHAN SINGH)
JUDGE

May 05, 2015
prince