

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289

CRM-M-36404-2016
Date of Decision: 29.11.2016

Rohit

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: - Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Surender Kumar, Asst. AG, Haryana.

A.B. CHAUDHARI, J. (Oral)

Heard learned counsel for the rival parties.

The petitioner was arrested on 28.02.2016 and is in jail since then. Admittedly, the challan has been filed.

Learned counsel for the complainant as well as counsel for the State vehemently opposed the petition for bail on the ground that the victim is still under “coma” because of injury on the head.

Learned counsel for the complainant vehemently opposed the petition and further stated that they were all the members of the unlawful assembly and, therefore, at this stage the role of the petitioner cannot be selected and, therefore, prayed for dismissal of the petition for bail.

Counsel for the complainant has pointed out following injuries which were mention in Para 6 on Page 12, which reads as under:-

“There is fracture of the right frontal bone extending inferiorly into the lateral aspect of the superior orbital margin, posterolateral wall of right frontal sinus, anterior cranial fossa/roof of right orbit, roof and posterior wall of the right frontal sinus and medial wall of the right orbit (involving wall of the ethmoid air cells).

There is fracture through the roof, right anterolateral and left posterolateral walls and floor of the sphenoid sinus with fracture line extending into the base of the pterygold on the right side with extension into the lateral pterygold (extension of fracture line into the pterogmaxillary canal). Posteriorly, the fracture line is continuing into the left petrous apex, middle ear cavity and further posteriorly to involve the mastoid air cells. Hemorrhage is seen within middle ear cavity and mastoid air cells. There is fracture of the anterior wall of the bony external artery canal on the left side with hemorrhage within the auditory canal. The alignment of the ossicular chain is maintained.

In addition, there is fracture of the greater wing of sphenoid on the right side, extending into the lateral wall of the orbit and anterior portion of the middle cranial fossa.

There is a quadripod fracture on the right side involving the zygomaticomaxillary complex with fracture through-lateral orbital wall (along the zygomaticofrontal suture), orbital floor (near intra-

orbital canal), anterior and posterolateral wall of right maxillary sinus (bony fragment displaced medially and associated sinus hematoma), right zygomatic bone (near Zygomaticotemporal suture and base of zygomatic process of temporal bone at two sites extending into anterior wall of the right TM joint).”

I have seen the statement of eye witness-Pawan that has been recorded. From the statement, it appears that Akshey and Mohit, who had given the blows on the head and ear of the victim and these injuries were dangerous in nature. Insofar as, the petitioner Rohit is concerned, the allegation is that he had given danda blows on the head and feet of Akshey and beyond this the petitioner is not attributed any other injury.

In that view of the matter, there is no point in continuing the detention of the petitioner in jail.

Bail petition is allowed. The petitioner be released on bail subject to the satisfaction of the Trial Court/Illaqa Magistrate.

(A.B. CHAUDHARI)
JUDGE

29.11.2016

sahil soni

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No