

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 19050 of 2017
Date of Decision: 31.05.2017

Satwinder @ Chindi

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Satbir Rathore, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 142, dated 06.11.2016, under Sections 148, 149, 307, 323, 324 and 506 I.P.C., registered at Police Station Shahzadpur, District Ambala.

The F.I.R. was registered at the instance of Kuldeep Singh, who happens to be uncle of injured Ankush. As per allegations made in the F.I.R., when the complainant reached near the Readymade Garments Shop, he found that 6-7 boys were beating Ankush and Sahil. They were armed with deadly weapons. Sahil son of Vikram was having sword, Gaurav son of

Raj Singh was armed with sword and Vishal @ Vishu was armed with *gandasa* fitted with iron pipe. Other boys were having swords in their hands. Sahil son of Vikram inflicted a sword blow on the head of Sahil son of Ramesh Chand. Other persons also inflicted injuries with their respective weapons with an intention to kill the complainant party. The assailants also inflicted injuries to Ankush. Ankush suffered injuries on his head, left arm, elbow, etc.

Statement of Ankush was recorded under Section 161 Cr.P.C., wherein he stated that Satwinder Singh @ Chindi-petitioner gave a sword blow to him. He raised his hand, in order to ward off the blow on his head and, therefore, the blow ultimately landed on the wrist of his right arm.

As per M.L.R. of Ankush, multiple incised wounds over left forearm-bone deep were found, which were profusely bleeding and X-Ray and Ortho opinion were advised.

In view of aforesaid anomaly, learned counsel for the petitioner has pressed for regular bail on the ground that the allegations forming subject matter of the F.I.R. are, *prima-facie*, erroneous, in view of the statement of the injured himself, wherein he has attributed injury with sword to the petitioner on wrist of his right arm. No such injury was found in the M.L.R.

Co-accused Lovely Rana has been granted bail by this Court on 03.04.2017 in **CRM-M No. 5476 of 2017**. Chintu being juvenile is also on bail.

Learned State counsel on instructions from A.S.I. Rajpal stated that the charges have been framed and now the case is fixed for 06.07.2017, for prosecution evidence.

At this stage, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

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

May 31, 2017

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No