

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-22150 of 2017 in/and
CRM-M-19466 of 2017 (O&M)
Date of Decision: 24.07.2017

Dheeraj Singh

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Aman Pal, Advocate
for the petitioner.

Mr. A.K. Chahal, DAG, Haryana.

Mr. Ram Bilas Gupta, Advocate
for the complainant.

SURINDER GUPTA, J.

CRM-22150-2017

Allowed as prayed for subject to all just exceptions.

Main petition

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.124 dated 14.3.2017 registered for the offences punishable under Sections 147, 148, 149, 323, 506 of IPC and 25 Arms Act, at Police Station Sector 55, Faridabad, District Faridabad.

Heard.

As per case of prosecution, petitioner along with 23 other persons came to the house of complainant and caused him severe injuries.

The petitioner was allegedly armed with *lathi* at that time. The injury on the head of the injured Arun was declared dangerous to life.

The learned counsel for petitioner submits that the petitioner had named 23 persons out of whom 17 have been found to be innocent by the police. It is a cross-version case. There are four injured on the other side, who have suffered grievous injuries as well. The police after investigation has presented the challan and it will be seen at the time of trial as to which party was aggressor.

Learned State counsel assisted by learned counsel for complainant submit that in his statement under Section 161 Cr.P.C. the complainant has specifically attributed the head injury to the petitioner and three other persons. The police has found the other three persons as innocent and the petitioner remains to be only person who has been attributed the injury.

It is a cross version case having injured on both sides. In the FIR no specific injury has been attributed to the petitioner. Statement of injured Arun was recorded on 12.4.2017 i.e. about one month after the occurrence. Police has already found the part of the version given in the FIR as not correct.

In these circumstances, it will be seen and appreciated by the trial court on the strength of evidence before it as to which party was aggressor.

Without expressing any opinion on merits of the case and keeping in view the above facts the present petition is allowed. Petitioner Dheeraj Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

July 24, 2017
deepak

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*