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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25392-2017

Date of Decision:- September 26, 2017

Ram Avtar and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sanjay Vashisth, Advocate,
for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana
for the respondent State.

Mr. Keshav Pratap Singh, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr. P.C., is for grant of regular bail in case bearing FIR No. 86 dated 27.05.2017 registered under Sections 147, 148, 323, 341, 506 read with Section 149 of Indian Penal Code (IPC) and Section 325 IPC (added later on), at Police Station Bawani Khera, District Bhiwani.

2 The allegations against the present petitioners are that on 27.5.2017, a fight had taken place, resulting into injuries to both the parties. As per the complainant, injured Surender and Sajjan had sustained fracture injures and they were taken for medical treatment. As per record of PGIMS, Rohtak, there were six fractures on the body of Surender including one at index finger of left hand; on base of 5th MC left; on left fibula and left radius. Sajjan had sustained four compound fractures of both the bones of left and right legs.

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3. Learned counsel for the petitioner contended that no specific role has been attributed to the petitioners and all the male members of one family have been dragged in the present litigation. There are general and vague allegations and the weapons allegedly used in the commission of offence in this case are *lathi*, *danda* and *rod*. From the petitioners' side also, Ram Avtar, petitioner no.1 had sustained six injuries as per MLR, Annexure P/3 and Hanuman, petitioner No.2 herein had sustained four injuries and copy of MLR is Annexure P/2. Both injured, namely, Sajjan and Surender are accused in the cross version recorded at the instance of present petitioners. The petitioners have been falsely implicated in this case because of deep rooted enmity between the parties. More so, the petitioners are in custody since 29.06.2017 and the decision of the case still to take some more time. So the petitioners be released on bail.

4. Learned State counsel assisted by learned counsel for the complainant, while opposing the present application, contended that the petitioners had caused number of injuries to the injured persons, namely, Sajjan and Surender and one of the injuries caused to Surinder has been opined to be dangerous to life even as per opinion of the doctor dated 3.6.2017. As such, at this stage, there is no ground to release the petitioners on bail.

5. Learned counsel for the petitioners while arguing on the point of medical opinion dated 3.6.2017, contended that there is no such document available on the file and the charge has been framed against the accused persons in the present case by learned trial Judge on 19.9.2017 and there are no allegations of offence under Section 307 IPC. More so, as per medical opinion available on the file, no injury was declared as dangerous to life.

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6. Having considered the submissions made by learned counsel for the parties and the facts that as per order dated 19.9.2017 passed by learned Judicial Magistrate, whereby charge was framed, the offence alleged against the petitioners are under Sections 147, 148, 323, 325, 341, 506 read with Section 149 IPC meaning thereby that no such document or material was available before the Court as regard to any injury on the body of Surender to be dangerous to life as on 19.9.2017. Had there been any medical opinion regarding injury on the person of Surender to be dangerous to life as on 3.6.2017, the same should have been available on the file, rather, to the contrary, as per opinion given by the doctor on 27.6.2017, there was no such injury on the person of Surender being dangerous to life. The present is a case of version and cross-version and both the sides have suffered injuries. In view of the aforesaid facts and the fact that the petitioners are in custody since 29.06.2017 and decision of the case still to take some more time, the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Bhiwani.

7. The petition stands allowed in the above terms.

September 26, 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
No