

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

CRM-M-26916 of 2017.

Decided on:-18.08.2017.

Rajesh and others

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sunil Kumar Nehra, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. Pratham Sethi, Advocate
for the complainant.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners, namely, Rajesh, Sandeep and Krishan alias Kaliya in the FIR No.10 dated 23.01.2017 under Sections 147/148/149/323/324/452/506 and 307 IPC (Section 307 IPC added subsequently) registered at Police Station Loharu, District Bhiwani.

Learned counsel for the petitioners has argued that the injury attributed to petitioner No.1 Rajesh caused on the person of injured Ashok is sharp in nature, whereas as per the allegation in the FIR, petitioner Rajesh was having an iron rod. Thus, the injury does not match with the weapon allegedly possessed by petitioner No.1 Rajesh.

As regards petitioner No.2 Sandeep, learned counsel for the petitioners has contended that the allegation against him is that he had caused injury to Bimla. Interestingly, the alleged incident had taken place on 16.01.2017 at about 01.30 AM in the night, whereas injured Bimla was admitted in hospital on 18.01.2017. Similarly, there is no specific injury attributed to petitioner No.3 Krishan alias Kalia.

Learned counsel for the complainant has argued that the presence and participation of the petitioners cannot be doubted for the reason that they had entered the house of the complainant at about 01.30 AM in the night, when the people were sleeping. The doctor has opined that there are serious injuries on the person of injured which are dangerous to life and these injuries are attributed to the petitioners.

Learned State counsel has pointed out that before filing of the present petition, the petitioners have already been charged for offence, inter alia, under Section 460 read with Section 149 IPC.

I have heard learned counsel for the parties.

The allegation in the FIR in question levelled against petitioner No.1 Rajesh is that he was having iron rod in his hands, whereas injury on the person of injured Ashok is sharp in nature. Similarly, no specific injury has been attributed to petitioner No.3 Krishan alias Kalia. Petitioner No.2 Sandeep is stated to have caused injury to Bimla, but interestingly, she was admitted in the hospital on 18.01.2017, whereas the other two injured persons i.e. complainant Satbir Singh and his son Ashok were admitted in the hospital on 16.01.2017 itself. Therefore, the petitioners deserve to be given the benefit of bail at this stage.

So far as the contention of learned State counsel regarding charge-sheeting of the petitioners, inter alia, under Section 460 IPC is concerned, since the present petition has not been filed seeking regular bail for the aforesaid offence, this Court is not making any comment regarding that offence.

Accordingly, the present petition is allowed and the petitioners, namely, , namely, Rajesh, Sandeep and Krishan alias Kaliya are ordered to be admitted on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

August 18, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No