

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

CRM-M-3027 of 2017

Date of Decision: February 08, 2017

Roshan Lal and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rahul Rathore, Advocate
for the petitioners.

Mr. Pardeep Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The allegations against petitioner No.1 Roshan Lal and his son petitioner No.2 Rajiv @ Laddi are that they along with their co-accused/non-applicant on 27.9.2016 had assaulted the complainant side and Pawan Kumar alleged to have received injuries. The allegations against petitioner No.1 Roshan Lal are that he had fired from his weapon in the air which hit none, whereas, petitioner No.2 Rajiv @ Laddi has been attributed injury by means of iron rod on the left leg, a non-vital part.

The contentions of the learned counsel for the petitioners that the petitioners are in custody since 27.9.2016 and that the similarly placed co-accused Sanjeev Kumar @ Sonu has been allowed this relief and has sought to harbour on the nature of injury so declared to be dangerous to life.

Learned State counsel has tried to controvert the

averments on the grounds that both the petitioners father and son were instrumental in this attack and, thus, are not entitled to any relief.

Appreciating the submissions, no injury except the fire in the air has been attributed to petitioner No.1 Roshan Lal, whereas, only simple injury that too on the non-vital part is attributed to his son petitioner No.2 Rajiv @ Laddi, together with the fact that the same is considered by this Court in the order dated 27.01.2017 pertaining to the bail application of the co-accused Sanjeev Kumar @ Sonu. The medical opinion is to the effect that *“I am of the opinion that injury is grievous and dangerous to life”*. Thus, in itself abundantly reflects on the infirmness of the medical opinion and the very applicability of Section 307 IPC being a debatable issue and keeping in view the principle of parity and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioners behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioners be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

February 08, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No