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

**CRM-M No.3743 of 2017
Date of Decision: 09.02.2017**

NARESH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjay Vashisth, Advocate and
Mr. Rajiv Panghal, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.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.416 dated 12.10.2015, registered under Sections 147, 148, 149, 307, 323, 506 IPC which was subsequently converted under Sections 323, 302, 506, 34 IPC at Police Station Tosham, District Bhiwani.

The FIR was registered at the instance of complainant Sukhbir with the allegations that on 11.10.2015 at about 9.30 p.m., when he was roaming near water tank of the village, he heard some noise from the back side of the liquor vend in the village. After going there, he found that the petitioner along with

his brother namely Narender @ Dhillu and Naveen @ Bholu were present armed with *danda*, iron rod and *kulhari* respectively. They were inflicting injuries on the person of the uncle of the complainant namely Bijender. Persons namely Kuldeep and Krishan were trying to rescue the uncle of the complainant. During the process, petitioner gave *danda* blow on the face of the complainant, resulting in injuries on his hand. Three more persons were found standing in the dark, who could not be identified. The assailants went away from the spot after inflicting injuries to the uncle of the complaint and the complainant.

As per medico-legal report prepared by the Doctor on 11.10.2015, lacerated wound of size 5 x 3 cm over occipital area and a lacerated wound of size 6 x 3 cm over upper occipital area were found. The Doctor while describing the injuries found the injuries to be 'a head injury'.

Bijender (deceased) remained hospitalized for 4-5 days and thereafter he expired on 15.10.2015. The cause of death was stated to be head injury and its complications.

Learned counsel for the petitioner submitted that as per material on record, apparently no specific role could be alleged *qua* the complicity of the petitioner. There were three assailants, who alleged to have inflicted injuries on the person of the

deceased. The cause of death as described by the Doctor is head injury and its complications.

Learned counsel further submitted that receipt of injury with the aforesaid dimensions could be the result of a single blow.

At this pre-mature stage, no such appreciation can be made, lest it may prejudice the case of the either party. Challan has already been presented. Therefore, without adverting to the merits of the case and keeping in view the period of incarceration of the petitioner, I am of the view that the petitioner can be enlarged on 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.

February 09, 2017.

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No