

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

CRM-M-11619-2018

Date of Decision: 07th May, 2018

ANKUSH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Atul Lakhanpal, Senior Advocate,
with Mr. Rajwant Singh Chahal, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Mr. J.S. Bedi, Senior Advocate
with Mr. S.S. Brar, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in the present petition filed under Section 439 of the Cr.P.C. is for grant of regular bail in FIR No. 19, dated 18.01.2018, registered under Sections 147, 148, 323, 325, 341, 452, 307 and 506 of IPC registered at Police Station Sector 56, District Gurugram (Annexure P-1).

It is the contention of the learned counsel for the petitioner that even going by the FIR the allegations against the petitioner is that he was armed with stick covered with barbed wire which was used to attack on the complainant's calf of the right leg. He further contends that the injury which is attributed to the petitioner has resulted, according to the prosecution, in the fracture of Tibia but there is no fracture on Fibula. He

further contends that the petitioner was arrested on 18.01.2018 and has been in custody since then. With reference to the fact that there was earlier fight between the parties, learned senior counsel for the petitioner states that it was a cross case which was registered between the parties about two years back in the year 2017. He further contends that the trial is not likely to conclude in the near future and thus prayed for grant of concession of regular bail.

On the other hand learned counsel for the State and the learned senior counsel for the respondent-complainant have vehemently argued that not only the Tibia but the Fibula has also been fractured which aspect is pressed into by the learned counsel for the complainant. He asserts that the petitioner is the person who had in fact along with the other family members been having fights with the complainant in the year 2017 and proceedings under Sections 107/151 Cr.P.C. were held where the parties were called upon to maintain peace for 02 years which has also been violated by the aggressor party i.e. the petitioner and others. He therefore prays that the concession of bail should not be granted to the petitioner.

Having considered the submissions made by the learned counsel for the parties and keeping in view the medico-legal reports and opinions of the doctors, which have been placed on record and relied upon by the parties, it is a question of evidence which has to be led, on the basis of which the Court would finally come to a conclusion with regard to the injury which is attributed to the petitioner. That apart, the petitioner is in custody for more than three and half months. Trial is not likely to conclude

in near future, as such the prayer made in the present application is allowed.
The petitioner is directed to be released on bail to the satisfaction of the trial Court.

It is made clear that keeping in view the facts and circumstances of the case the trial court may impose such conditions as would be necessary in the interest of the parties, including the protection of witnesses.

07 May, 2018
tarun sahni

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No