

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

**Crl. Misc. M – 33251 of 2018
Date of Decision:- 09.08.2018**

Mohit

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Arun Takhi, Advocate, for the petitioner.

Mr. J.S. Walia, Sr. DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in FIR No. 350, dated 05.05.2018, registered under Sections 323, 325, 341 IPC (Sections 307, 34 IPC added lateron and Section 148 and 149 IPC were deleted), at Police Station Assandh, District Karnal.

The allegation against the petitioner is that he struck the complainant and another person with a sword upon the head.

Learned counsel for the petitioner submits that a perusal of letter dated 01.05.2018 (Annexure P/2) shows that the injuries received by the complainant as well as other injured person were blunt in nature, as per opinion of the Medical Officer, General Hospital, Assandh. Thus, the story put forth by the complainant appears to be false because had the petitioner used the sword, incised wounds have been caused. Further, the alleged incident took place at about 10:00 clock at night on 26.04.2018, whereas the FIR was registered on 05.05.2018 indicating that a false case had been created.

Learned State counsel refers to the police file and submits that the injury upon the head of the complainant has been declared dangerous to life and thus the petitioner does not deserve the concession of regular bail.

It is not in dispute that the investigation in this case is complete. However, it needs to be examined whether the gravity of the offence is such as to entitle the petitioner to grant of concession of regular bail.

So far as delay in registration of FIR is concerned, the argument raised by learned counsel for the petitioner is misconceived because a perusal of FIR (Annexure P/1) shows that rapat was entered on 27.04.2018 although the FIR was registered on 05.05.2018. Thus, there is no undue delay in lodging of the FIR. The medical opinion referred to by the learned State counsel shows that the injury dangerous to life has been inflicted by the petitioner. Merely because, the injury is blunt in nature would not be sufficient to hold that the petitioner did not use a sword. The sword could have been used from its blunt side.

In view of the fact that serious and grave offence has been committed by the petitioner, I do not deem it appropriate to release him on regular bail.

The petition is, accordingly, dismissed, at this stage. Expression of opinion hereinabove shall have no bearing on merits of the case.

August 09, 2018
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(SUDHIR MITTAL)
JUDGE

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