

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

CRM-M No.44925 of 2017
Date of decision: 23rd January, 2018

Laxman & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Himanshu Rao, Advocate for the petitioners.
Mr. P.K. Jangra, Addl. Advocate General, Haryana
for the respondent/State.
Mr. Ram Bilas Gupta, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioners Laxman and Jaggan in this regular bail application filed under Section 439 Cr.P.C. in case FIR No.124 dated 14.03.2017 registered at Police Station Sector 55, Faridabad under Sections 147, 148, 149, 323, 506, 325, 307 IPC and Section 25 of the Arms Act, are that on 14.03.2017 it is alleged that almost 23 persons came and assaulted the complainant side leading to a free fight in which both sides have received injuries. It is alleged that four persons of the petitioners' side have received injuries and that out of 23 persons, 17 have been found to be innocent during investigations.

Contentions of the learned counsel for the petitioners are that the petitioners are behind bars since almost six months and that the lone injury on the head of injured Arun could not be medically established to

be dangerous to life and has shown apprehension that the trial is not likely to be concluded in near future.

Though on behalf of the State Mr. P.K. Jangra, Addl. Advocate General, Haryana assisted by Mr. Ram Bilas Gupta, Advocate representing the complainant have sought to raise a strong opposition to grant of bail on the grounds that the injury on the head is dangerous to life and that the petitioner side is the aggressor and that there is every apprehension that if allowed bail the petitioners would abscond as they have been evading their arrest for almost five months.

Appreciating the submissions of the two sides, admittedly it is a case of version and cross version, and both the sides having received injuries and thus, a debatable issue having arisen as to which of the parties was the aggressor. Having gone through the records of the trial Court, neither this Court nor learned State counsel assisted by learned counsel for the complainant could bring forth to the notice of this Court by what means the injury is dangerous to life when there are neither any surgical notes nor any medical record to show the vital parameters during the period of alleged hospitalization. Thus, a debatable issue arises as to the applicability of Section 307 IPC and as to which of the parties was the aggressor. Keeping in view the period of incarceration and the fact that the trial is not likely to conclude in near future, this Court is of the opinion that further detention of the petitioners in the present case is unwarranted. Accordingly, they are ordered to be released on regular bail

subject to their furnishing heavy sureties to the satisfaction of Chief
Judicial Magistrate/Duty Magistrate, Faridabad.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

January 23, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No