

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

CRM-M-49279 of 2018.

Decided on:- December 18, 2018.

Gurnam alias Deepak.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.135 dated 04.09.2018 under Sections 323 and 326 read with Section 34 IPC registered at Police Station Buria, District Yamuna Nagar.

The aforesaid FIR was registered on the statement of Brijpal, who is father of the petitioner, with the allegations that on 15.07.2018 at about 9/9.30 A.M., when the complainant was present in his fields, the petitioner along with two boys came on a motorcycle having sticks and axe with them. The petitioner started claiming his share in the property by way of partition. The complainant offered him the land for sowing crops as the whole land is in the name of his mother. On this, the petitioner gave an axe blow on

the right leg of the complainant, whereas the other two companions of the petitioner gave Danda blows on his left leg and back and also hit the complainant with Panchis on his chest. However, when the complainant raised a noise, the petitioner along with other co-accused ran away.

Learned counsel for the petitioner has argued that marriage of Vidhavati mother of the petitioner was solemnised with the complainant (father of the petitioner) and from this wedlock, the petitioner and his sisters were born. Thereafter, divorce had taken place between mother of the petitioner and the complainant. The complainant had called the petitioner to stay with him along with his newly wedded wife, but this new relation was not relished by the other family members of the complainant, which led to registration of the present F.I.R. During investigation, the allegations against the co-accused have been found false. The incident had taken place on 15.07.2018, whereas the FIR in question was registered on 04.09.2018. The recovery of axe is highly doubtful and the offences are triable by Magistrate.

On the other hand, learned State counsel has argued that since the petitioner along with other co-accused caused grievous hurt to the complainant with an axe, he does not deserve the concession of bail.

I have heard learned counsel for the parties.

Vide order dated November 16, 2018, this Court had directed the complainant to remain present in the Court. Pursuant to that order, he has appeared in Court today. The complainant was medico-legally examined in Civil Hospital, Jagadhri on 15.07.2018. As per the medico-legal report dated 15.07.2018, he has been given as many as 4 injuries out of which injury No.1

is sharp and the remaining injuries are blunt. The x-ray report has suggested that injury No.1 on the person of complainant is sharp and grievous in nature. The possibility of injury No.1 to be given by an axe has not been ruled out by the medical officer.

Considering the fact that the petitioner is son of the complainant and he has given a grievous injury to him with a sharp edged weapon, this Court finds that no ground for grant of regular bail to the petitioner is made out at this stage.

Accordingly, the present petition, being devoid of any merit, is dismissed at this stage.

The observations made hereinabove shall not construe an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 18, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No