

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M-49430-2017

Date of decision: 12.01.2018

Sushil Kumar and another

...PETITIONERS

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Goyal, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

Mr. D.S.Virk, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for grant of regular bail after they having been arrested on 25.09.2017 and in custody for more than 3 ½ months.

Counsel for the petitioners asserts that the petitioners, at the most, can be attributed to have been armed with a pipe or *danda* each, who had given a blow to Raj Kapoor. Referring to the Medico-Legal Report of the injured Raj Kapoor (Annexure P-2), counsel contends that only one injury, which is swelling over the right wrist, can be attributed with a blunt weapon and that could not have been caused by two persons. It can be an injury, which could have been caused by the two others, namely, Sagar

and Sandip, who had been attributed the same role as these two petitioners. His further contention is that the challan has been presented and the case is now fixed for prosecution evidence. Prayer has, thus, been made for grant of benefit of bail during the pendency of the trial.

On the other hand, learned counsel for the State as also the complainant have asserted with full vehemence that these two persons were part of the group of 12 people who had come together to cause injuries on the person of four persons. Total 19 injuries have been caused to these four persons, which includes grievous injuries to some of the injured. However, they could not dispute the fact that there is only one injury by the blunt weapon on the person of Raj Kapoor. If that is true, then four persons could not be said to have caused one injury that too, with a blunt weapon on the person of Raj Kapoor, which, therefore, will be the question of evidence to be led by the parties before the trial Court. The trial is not likely to conclude soon and, thus, the present application is allowed and the petitioners are directed to be released on bail to the satisfaction of trial Court, Sirsa.

Any observations made here-in-above shall have no bearing on the merits of the case or the pending trial.

January 12, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No