

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

CRM-M-2692-2019 (O&M)
Date of decision:25.01.2019

Ajmer

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sukesh K. Jindal, Advocat, for the petitioner.
 Mr. Munish Dev Sharma, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.325 dated 04.11.2018 under Sections 323 and 506 read with Section 34 of IPC (Section 307 of IPC added later on), registered at Police Station Israna, Panipat.

Learned counsel for the petitioner contends that the version given by the complainant is concocted. In fact, it is a case of version and cross version. So far as, the injuries caused to the brother of the complainant are concerned, the same was found to be simple in nature by the doctors of the Government Hospital. However, subsequently, the complainant had taken his brother to a private hospital, wherein the opinion regarding nature of injury has been manipulated by the complainant. It is further contended that; in any case, even the petitioner was caused injury in the same incident and the MLR was prepared. However, the police have not even received the complaint of the petitioner, despite there being MLR supporting the version of the petitioner. The petitioner is in custody since 03.12.2018 and the trial is likely to take long time.

On the other hand, learned counsel for the State, being instructed by SI Wazir Singh submits that the doctor has opined the injury

to be grievous in nature and dangerous to life. Therefore, although in the first instance, the case was registered under Section 323 IPC, but after the opinion of the doctor, Section 307 IPC has been added later on in this case. It is further contended that challan is yet to be filed in this case. Learned State counsel further submits that the story of the cross-version forwarded by the petitioner is not correct because the co-accused of the petitioner is out on bail, however, even he has not filed the complaint before any authority so far.

In response to the submissions made by learned counsel for the State, the learned counsel for the petitioner has reiterated that the fact that the co-accused may not have filed the cross complaint would not deny the medical record which duly verify the injuries suffered by the petitioner at the hands of the complainant of the present FIR. It is further contended that even if the submissions of the learned State counsel are taken to be correct then also addition of Section 307 IPC is only a moot point; to be decided during the trial.

Be that as it may, the fact remains that it is a case of the cross version arising from sudden fight. Initially the case was registered only under Section 323 IPC. Applicability of Section 307 IPC would be a moot point. Therefore, without commenting any further on merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

25.01.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No