

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

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CRM-M-8856-2019 (O & M)

Date of Decision:06.03.2019

Krishan @ Ghuchhu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Tushar Gautam, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Krishan @ Ghuchhu has filed this petition seeking regular bail in case FIR No.251 dated 06.11.2018, under Sections 148, 149, 323, 324, 452 and 506 of the Indian Penal Code ('IPC' – for short) registered at Police Station Bahin, District Palwal, Haryana.

Petitioner is in custody since the date of his arrest i.e. on 07.01.2019. The FIR was recorded on the statement of Ganeshi son of Nain Singh, wherein it was alleged that on 05.11.2018 at about 8.00-8.30 am when the complainant was at his house, he heard noise from outside and went out to see what is happening. He saw that the accused persons named in the FIR were seen entering in the house of his younger brother Bal Kishan @ Lala Kishan with the common intention and having *lathi*, *danda*, *farsa* and other weapons in their hands, who attacked various persons as mentioned in FIR.

As per the version of the FIR, Krishan was armed with *farsa*

and had given blow to the brother of the complainant namely Than Singh

s/o Nain Singh and his wife Lajja.

Learned counsel for the petitioner has contended that the petitioner is alleged to have caused injuries to Lajja and Than Singh. The injury suffered by Lajja is simple in nature, whereas injury suffered by Than Singh was declared grievous which is fracture below the neck (collarbone).

It is further pointed out that the cross case is also lodged against the complainant party vide FIR No.17 dated 17.01.2019. It is pointed out that the petitioner along with his mother etc. (i.e. four family members) have suffered injuries at the hands of the complainant party, and it is to be seen during the trial as to who was the aggressor.

On the other hand, learned State counsel assisted by the counsel for the complainant has opposed the bail application. However, it is not disputed that both sides have suffered injuries and the cross case has been registered. The investigation of the case is complete and the challan stands filed before the Court.

Considering the above, the fact that the case is triable by the Magistrate and the fact that both the sides have suffered injuries, no useful purpose would be served by keeping the petitioner behind the bar. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

06.03.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No