

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-26076 of 2019

Date of Decision: June 06, 2019

Naveen

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 99 dated 17.04.2019 under Sections 148, 149, 323, 324, 427, 452 and 506 IPC (Section 326 IPC added lateron) registered at Police Station Farakpur, District Yamuna Nagar.

As per the allegations contained in the FIR, a group of around 20 persons, who were armed with deadly weapons such as swords, iron rods, dandas etc., attacked the house of the complainant

to target Ramandeep, cousin of the complainant and damaged the gate of the complainant's house. It is alleged that the assailants trespassed into the house of injured Subhash, damaged his house and inflicted injuries to Subhash and as a result of the same, middle finger of left hand of Subhash was cut/fractured.

Mr. Diwan S. Adlakha, learned counsel for the petitioner inter alia contends that only a single injury is attributed to the petitioner and that too on non-vital part of the body submitting that the petitioner is behind the bars since a long time.

Mr. Amrik Narwal, DAG, Haryana though does not displace the facts that have been canvassed by the learned counsel for the petitioner but has opposed the grant of bail on the ground of seriousness of allegations.

Appreciating the submissions of the two sides, the petitioner has been attributed a single injury and that too on non-vital part of the body. The medical opinion that has sought to be canvassed by the learned State counsel a debatable issue arises over its veracity and applicability of Section 326 IPC.

In the light of above and the fact that a debatable issue arises over the applicability of offence under Section 326 IPC, which could be determined at the trial and in view of the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion

that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

June 06, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No