

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

CRM-M-1082-2020

Date of Decision : January 16, 2020

Leelu alias Birpal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Dr. Deipa Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sanjeev Kumar Panwar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Leelu @ Birpal in FIR No. 205 dated 11.3.2019 under Sections 323, 324, 506, 34 IPC and Section 307 IPC added later on, registered at Police Station Sadar Palwal, District Palwal.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Azad Singh, on 9.3.2019 there was a marriage and he, along with his son Jagdeep and nephew Lokesh had gone to attend the marriage and on the way, they found that Jaggi etc. were giving beatings to a boy namely, Vijayver @ Babloo, who belongs to his village. Vijayver @ Babloo was shouting for help. On hearing the voice, the complainant along with the other two persons reached there and in their presence, Chet Ram grabbed Vijayver @ Babloo, Mahkar gave a knife injury

on the chest of the Vijayver @ Babloo. The petitioner ready to stab Vijayver @ Babloo. Thereafter, Vijayver @ Babloo fell down when the complainant and his son tried to save the injured. The victims also collectively gave injuries to them. Jaggi had given a stab injury on the Jagdeep's stomach and Sunny had given stab injury on the left back side of chest of Lokesh. Counsel for the petitioner has further submitted that as per the allegations in the FIR, the petitioner has attributed knife injury on Vijayver @ Babloo and as per per the opinion obtained by the Instigating Officer, the Medical Officer, General Hospital, Palwal has opined that the injury sustained by him is simple in nature.

Counsel for the petitioner has, thus, submitted that the injury attributed to other accused invoking Section 307 IPC was suffered by other victims and the same did not attribute to the petitioner.

Learned State counsel, on instructions from ASI Dharam Pal has placed on record the opinion of the Medical Officer, which states that the injuries are simple in nature. As as per the custody certificate, filed in the Court the petitioner is not involved in any other case and is in custody since 12.11.2019.

Counsel for the complainant has, however, opposed the prayer on the ground that all the accused persons, collectively has caused injuries to three persons and the injuries sustained by Jagdeep and Lokesh were declared dangerous to life.

Without commenting anything on the merits of the case; considering the allegations levelled against the petitioner; also considering the fact the petitioner is in custody since 12.11.201, the present petition is allowed and the petitioner is directed to be released on regular bail,

subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

January 16, 2020
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO