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

**CRM-M No.1454 of 2020
Date of Decision: 17.02.2020**

Amit @ Tinku

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rakesh Kumar Lathwal, Advocate and
Mr. Man Mohit Malik, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Naresh Kumar Chhokar, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.202 dated 15.06.2019 registered under Sections 148, 149, 323, 324, 506 IPC (Section 307 IPC added later on) at Police Station Murthal, District Sonipat.

Allegations are that Rinku had a knife in his hand and he gave stab injury in the stomach of the complainant namely Kuldeep. Tinku gave stab injuries with his knife in the stomach of the complainant and waist. The occurrence took place on

10.06.2019. Both the injured Kuldeep and Jaideep were hospitalized. Both of them were not found to be fit to make any statement on 11.06.2019.

According to the medical record, Jaideep was shown to be LAMA (left against the medical advise) on 12.06.2019. The statement of injured Kuldeep was recorded in Safdarjang Hospital on 15.06.2019. On the basis of said statement, FIR came to be registered. On 16.06.2019, the police has recorded statements of Kuldeep, Jaideep and Ankit under Section 161 Cr.P.C.

As per medical record, one stab injury is found on the person of Kuldeep. In the aforesaid statements under Section 161 Cr.P.C recorded on 16.06.2019, the injury attributed to Tinku i.e. the petitioner is on the thigh of Kuldeep. The aforesaid statements under Section 161 Cr.P.C are part of the challan. The fact remains that one stab injury in the stomach of the complainant is attributed to two persons i.e. Rinku and Tinku (petitioner) as per the version of FIR, but version in the statements under Section 161 Cr.P.C is something different. It would be debatable as to who is the author of abdominal stab injury.

Learned State counsel on instructions from SI Devender Singh states that the date appearing in

the statements under Section 161 Cr.P.C as 16.06.2019 is the result of some typographical error. In fact statements under Section 161 Cr.P.C were recorded on 16.08.2019.

In view of facts and circumstances of the case, the complicity of the petitioner would remain debatable, whether he is the author of stab injury or the co-accused Rinku. Petitioner is in custody since 09.09.2019. After filing of the challan, the charges have not been framed so far.

In view of above, at this stage, without meaning anything on merits of the case, petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

17.02.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No