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

**CRM-M No.7117 of 2020
Date of Decision: 24.02.2020**

Satish

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Yashdeep Nain, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Jaswant Singh, 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.0007 dated 06.01.2020 registered under Sections 109, 114, 147, 148, 324, 325, 506 read with Section 149 IPC (Section 326 IPC was added later on) at Police Station Sadar Hisar

FIR was registered by the complainant with the allegations that in front of the house of the complainant, there is house of Vikas who had constructed a slab in the middle of the

lane in front of his house. Due to the aforesaid encroachment, the villagers have faced hardship in commuting. On 05.01.2020 at 10 AM, a pavement was being made by the Panchayat in the street. Vikas drove away the workers. When the complainant and her family members objected, Vikas along with others came there. Petitioner is maternal uncle of Vikas. The wife of Vikas gave a gandasi blow on the head of the complainant. Vikas took out a knife and hit on the head of the husband of the complainant. Mother of Vikas namely Shila gave a stick blow on the right hand of the complainant. Petitioner gave a stick blow on the hip and right shoulder of the complainant. Other persons also gave blows with sticks on the persons of the complainant and her family members.

In the FIR, the complainant has not attributed any injury on the right thumb to the petitioner. Police has not recorded any supplementary statement of the complainant, rather recorded a disclosure statement of the petitioner which is self-incriminating in nature.

Learned counsel for the complainant vehemently opposed the prayer on the ground that the petitioner and co-accused are instrumental in threatening the complainant party even after registration of the present case.

Petitioner is in custody since 21.01.2020. According to

the FIR itself, the complainant has not attributed right thumb injury to the petitioner except a stick blow on her hip and right shoulder. The disclosure statement of the petitioner in the context of injury falling under Section 326 IPC would remain debatable. Offence is triable by the Magistrate and the petitioner is in judicial custody.

Learned State counsel on instructions from ASI Ram Singh states that the wife of Vikas is still at large. Petitioner is in judicial custody since 21.01.2020.

Taking into consideration the aforesaid facts, at this stage, without forming any opinion on merits of the case, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

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

24.02.2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No