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

**CRM-M No.7115 of 2020
Date of Decision: 24.02.2020**

Ajay @ Kalu

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present:Mr. Sandeep Panwar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.256 dated 06.09.2019 registered under Sections 307, 323, 324 34, 452, 506, 326 IPC at Police Station Kalayat, District Kaithal.

Allegations are that the complainant was sleeping in his baithak. Krishan @ Guchha and Dalbir armed with gandasies, Sushil @ Shilla and Ajay @ Kalu duly armed with Bindas made

an entry in the baithak. Krishan @ Guchha gave gandasi blow on the head of the complainant and the complainant fell down. Thereafter, Sushil @ Shila and Ajay @ Kalu gave binda blows on the arms, legs and other parts of the body of the complainant. Dalbir also gave a gandasi blow on the head of the complainant.

As per MLR of the complainant, four injuries were found on his person. All the four injuries are incised wound which can be summed up as under:-

1. Incised wound 4x2 cm. Fresh bleeding from the wound total loss of movement, swelling present, regular margins, linear shaped. On left forearm dorsum aspect pending for observation under dept. of othopaedics. Sharp. Less than 1 hour injury.

2. Incised wound 6x3x1 cm. Fresh bleeding, total loss of movement, swelling present, irregular margins. Elliptical shaped. ON left forearm dorsum aspect 1/3rd aspect. Pending for observation under dept. of othopaedics. Sharp. Less than 1 hour injury.

3. Incised wound multiple

A) 15x2x2 cm

B) 3x2x1 cm

C) 6x2x1 cm

-- Fresh bleeding present. Total loss of sensation. Swelling present, irregular margins, crescentic shaped. ON head (scalp) on parietal bone. Pending for observation under dept. of surgery. Sharp. Less than 1 hour injury.

4. Incised wound 4x2x3 cm. Fresh bleed present, no loss of movement, no loss of sensation, irregular margins, crescentic shaped. On left leg lateral aspect lower side of thigh. Pending for observation under dept. of orthopaedics. Sharp. Less than 1 hour injury.

Petitioner and Sushil are authors of blunt injury which would remain debatable in view of MLR of the complainant. The opinion of the Doctor viz-a-viz the part attributed to the petitioner would also remain debatable. Out of total 11 prosecution witnesses, 5 witnesses have been examined. Complainant, eye-witnesses and Doctor have already been examined. Petitioner is in custody since 19.09.2019.

The factual details could not be disputed by learned State counsel on instructions from SI Raghubir Singh.

Looking to the nature of injury attributed to the petitioner, 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 the trial Court/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