

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

CRM-M-14060-2020 (O&M)
Date of Decision: 24.06.2020

Surinder Singh

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Harnaresh Singh Gill

Present: Mr. APS Mann, Advocate, for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. R.S. Atwal, Advocate, for the complainant.

Harnaresh Singh Gill, J.

Case taken up for hearing through Video Conferencing.

This is the third petition seeking grant of regular bail, the first one having been dismissed as withdrawn on 17.12.2019 and second one dismissed on 18.02.2020.

The petitioner seeks grant of concession of regular bail in case bearing FIR No. 89 dated 27.05.2019 under Sections 323, 506, 148, 149 IPC (challan presented and charges framed under Sections 307, 323, 506, 34 IPC and Section 25 of the Arms Act) registered at Police Station Guhla, District Kaithal.

Learned counsel for the petitioner contends that as a matter of fact, it was Teja Singh and others, who had attacked the petitioner, when he restrained them from ploughing the land of the petitioner. Teja Singh gave a lalkara that the petitioner should be taught a lesson and be eliminated for having initiated litigation in respect of the said land. Teja Singh and others (accused in FIR No. 91) were armed with Gandasis and sticks and they had inflicted injuries on the person of the petitioner. Resultantly, on the statement of the petitioner, FIR No. 91 dated 28.5.2019 under Sections 323, 324, 506, 148, 149 IPC was registered, wherein offence under Section 326 IPC was added later on.

It is further submitted that the police had conducted one sided investigation resulting into submission of a cancellation report in FIR No. 91 aforesaid. Aggrieved at the said action of the police, the petitioner had filed a protest petition, which was registered by the Court of SDJM, Guhla, wherein the preliminary evidence is being recorded and the next date of hearing is 18.8.2020.

Notice of motion.

Mr. Manish Bansal, DAG, Haryana, accepts notice.

Mr. R.S. Atwal, Advocate, appears for the complainant.

Both, the learned State Counsel and the counsel for the complainant, vehemently oppose the bail application. It is submitted that earlier this Court vide order dated 18.2.2020 had declined the prayer of the petitioner for grant of regular bail and even prior to this vide order dated 17.12.2019, the petition seeking grant of regular bail was dismissed as withdrawn. It is further submitted that there is no change of circumstance and hence, no case is made out for grant of regular bail to the petitioner.

I have heard learned counsel for the parties.

It is not disputed that at the instance of the petitioner FIR No. 91 aforesaid was registered with the allegations that the petitioner had suffered three injuries including two fractures on the fingers of his left hand at the hands of Teja Singh and others. Though in the said case, the police had filed a cancellation report, yet the fact remains that in the protest petition filed by the petitioner, the proceedings are pending before the SDJM, Guhla, which makes it clear that the cancellation report has not been accepted by the trial Court, thus far.

The petitioner is attributed a sword blow on the abdomen of Teja Singh (Taya of the complainant). He has been in custody since the date of registration of the FIR. Besides, at the instance of the petitioner FIR No.91 aforesaid was also registered. The allegations in the said FIR

are that the petitioner had been given injuries by the Teja Singh and others. If that be the situation, whether or not the petitioner is an aggressor, is yet to be determined. The petitioner has been in custody since 21.07.2019. Challan in this case has already been presented and the charges have also been framed.

In view of the above, without expressing any opinion on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is granted concession of regular bail. Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

24.06.2020
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No