

(Proceedings conducted through video conferencing)

CRM-M-16766-2020

Date of Decision: 14.07.2020

VIKAS

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr Jitender Dhanda, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

VIVEK PURI, J.(ORAL)

Through present petition, the petitioner is seeking regular bail in case FIR No. 234 dated 04.12.2019 under Sections 148/149/323/324/326/307/34 IPC, registered at Police Station Bhattu Kalan.

Briefly, the aforesaid FIR has been registered on the basis of statement of Bhim Sain alleging that on 03.12.2019, he alongwith his brother Lilu, father Ram Swarup and cousin Daya Ram had gone to his sister's house to settle the dispute. At about 12.30 P.M, Vikas (petitioner) alongwith his mother Dhanni, Bimla, mother-in-law of the sister of complainant, Mangal Singh, Bhagaram arrived at the spot. Vikas tried to inflict knife blow in the abdomen of the complainant. The complainant caught hold the hands of the petitioner and the blow landed on the left thigh. Mangal Singh gave knife blow on the right side of the abdomen of Lilu. The petitioner also caused injuries by means of knife on the right hand of the father of the complainant. An alarm was raised which attracted the people and the assistants went back to the house of the petitioner.

It has been contended by learned counsel for the petitioner that his arrest was effected on 16.12.2019; the injury under Section 307 IPC has not been attributed to him and all the injured including Lilu have been discharged from the hospital and are hale and hearty. He further submits that challan has only been presented against the petitioner and Mangal Singh whereas the names of other persons mentioned in the FIR have been reflected in column No.2 of the report under Section 173 Cr.P.C.

The learned State counsel has not disputed the factual position.

Keeping in view the fact that injury under Section 307 IPC has not been attributed to the petitioner and all the injured including Lilu have been discharged from the hospital and are hale and hearty, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

14.07.2020

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No