

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

CRM-M-24834-2020 (O&M)

Date of decision : 23.12.2020

Malkeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Sandeep Maan, Addl. A.G., Haryana.

Mr. Sachin Gupta, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

CRM-28699-2020

Prayer in the present application is to place on record the true typed copy along with vernacular of MLR dated 13.12.2019 (Annexure P-7) of the petitioner.

Application is allowed and the MLR (Annexure P-7) is taken on record, subject to all just exceptions.

CRM-30787-2020

This application has been filed for addition of Section 307 IPC in the prayer clause, in view of the changed circumstances.

Application is allowed as prayed for.

CRM-M-24834-2020

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No. 04 dated 02.01.2020 registered under Sections 148, 307, 323, 325, 427, 506, 395, 397, 379-B read with Section 149 of Indian Penal Code at Police Station Thanesar City, District Kurukshetra.

States that as per the FIR, the petitioner has been attributed injury on the person of Rajesh Kumar Bansal on his head and hands and all the injuries have been found to be simple in the nature, as reflected in the MLR dated 01.01.2020 (Annexure P-3). The injured was discharged after admission for a couple of days. The medical evidence is contrary to ocular account. As per MLR there is no corresponding injury of Gandasi as alleged by the prosecution. The opinion of the doctor dated 27.01.2020 (Annexure P-4) suggests that no injury is dangerous to life. The petitioner is in custody since 20.01.2020.

Learned counsel for the petitioner further states that the complainant had a grouse against the petitioner and the petitioner was assaulted by the complainant party a few weeks prior to the incident in the present case. He was given as many as nine injuries as reflected in the MLR carried out at LNJP, Hospital Kurukshetra, dated 13.12.2019 (Annexure P-7) In pursuance to the MLR, FIR No. 1368 dated 14.12.2019 was also registered and the trial is pending.

Learned State counsel informs that the petitioner is involved in large number of FIRs. However, he is on bail on all the cases. As per the reply filed by the State, the complainant is also involved in four FIRs.

present case and the charges have not been framed. He further informs that seventeen witnesses have to be examined in the matter.

Heard.

Initially, the FIR was registered under Sections 148, 149, 323, 325, 427, 506, 395, 397, 379-B IPC, however, when the conscience of the Court was not satisfied, the Court vide order dated 16.09.2020 asked for an affidavit of Superintendent of Police concerned as to how despite a number of injuries on the person of injured, Section 307 IPC has not been invoked. Now, during the pendency of the present petition, in deference to the order dated 16.09.2020 passed by this Court and on reappraisal of the evidence, Section 307 IPC has been added. The challan has been filed under Section 307 IPC as well.

Considering the fact that the petitioner is in custody since 20.01.2020; only the challan has been presented but charges are yet to be framed; seventeen witnesses have been cited for examination by the prosecution and the petitioner was assaulted by the complainant party, as emanated from FIR No. 1368, dated 14.12.2019 (Annexure P-2), registered under Sections 148 and 323 read with Section 149 IPC at Police Station Thanesar City, District Kurukshetra, the Court feels that the further incarceration of the petitioner is not warranted as the trial is not likely to be concluded in the near future. Accordingly, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Considering the antecedents of the petitioner, the complainant

shall have the liberty to approach this Court for cancellation of bail if the

complainant is threatened, coerced or pressurized in any manner.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.12.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No