

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-25858 of 2020 (O&M)
Date of decision : November 03, 2020

Satyawan

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rakesh Nehra, Advocate, for the petitioner
Mr. Baljinder Virk, DAG Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The allegations against petitioner Satyawan in this first anticipatory bail application under Section 438 Cr.P.C. in case FIR No. 165 dated 13.6.2020 under Sections 323, 506 IPC and Section 307 IPC added later on, PS Sahlawas, District Jhajjar, have been levelled by complainant Pardeep.

The brief allegations are that both the partes are neighbours and on 13.6.2020 due to rain water logging in the area,

Umesh brother of the complainant was cleaning the drain and the accused-petitioner who happens to be the uncle of the complainant objected to it and a fight ensued. It is alleged that the accused-petitioner hit the complainant on the head with an iron rod.

Learned counsel for the petitioner inter-alia contends that it is a case of version and cross-version wherein the petitioner along with his wife and daughter too have received injuries and has sought to place reliance on MLRs Annexure P/1 to P/3.

The learned State counsel does not displace the facts but has opposed the bail on the grounds that the custodial interrogation of the petitioner is necessary for the recovery of the alleged weapon of the offence.

Be so as it may. Apparently as is fairly conceded at the bar even by the learned State counsel, it is a case of version and cross-version. Only the complainant has received single injury whereas from the side of the petitioner, three persons are injured. More-so, to the specific query of the Court, State counsel accepts that neither there is any surgical note nor CT scan or X-ray examination to highlight the nature of injury on the head of the complainant. Thus, a debatable issue arises over the applicability of offence under Section 307 IPC which can only be determined at

the time of trial.

In view of the aforesaid, the present petition is allowed.

In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

November 03, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No