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

**CRM-M No.26993 of 2020 (O&M)
Date of Decision: 28.09.2020**

**MAHESHPetitioner
Vs
STATE OF HARYANARespondent**

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

Present: Mr. Vineet Chaudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.75 dated 21.03.2020, registered under Sections 147, 149, 323, 307 and 506 IPC at Police Station Bhondsi, District Gurguram.

The FIR was registered on the statement of Rohit with the allegations that the complainant along with his mother Memwati, brother Ravi, wife of Ravi namely Rajesh and sister Manisha was present in the house. Satbir, Sube Pal, Vinod and petitioner came there. They had a fight with Ravi in the morning.

Petitioner's son Arun became angry due to scuffle and started brick batting at the house of the complainant. Rajesh and Ravi received injuries. The accused party also received injuries in the occurrence. In the morning, there was fight between Arun and brother of the complainant for which brother of the complainant can tell. With the background, the FIR came to be registered.

Learned counsel for the petitioner submitted that six persons were injured from the side of the petitioner. Brother of the complainant was referred to Safdarjung Hospital. Two injuries were found on his person i.e. lacerated wound over frontal region and lacerated wound over occipital region. First injury was attributed to the petitioner and second injury was attributed to Satbir. The injured remained in Safdarjung Hospital only for an hour and thereafter he was discharged.

As per medical opinion dated 29.06.2020 given by Medical Officer, Civil Hospital, Sohna, the patient had head injury as per the report given by Safdarjung Hospital, Delhi and the injury was dangerous to life.

The Court of Sessions, Gurgram has granted bail to Subepal after noticing the fact that on the basis of medical opinion, offence under Section 325 IPC was added and thereafter on the basis of opinion of the Doctor dated 29.06.2020, the offence under Section 307 IPC was added after

deleting the offence under Section 325 IPC. It was also observed that on the basis of stand taken by the Public Prosecutor that the main accused was Satbir, who was instrumental in inflicting head injury to Ravi. Subepal was granted bail by the Court of Session vide order 29.07.2020. In case of co-accused Vinod, it was observed that the petitioner as well as Satbir had inflicted the injuries which led to offence under Section 307 IPC. Vinod was also granted bail by the Court of Session vide order dated 05.08.2020. In case of co-accused Satbir, the bail was granted to him on the ground that the petitioner is principal offender and injury falling under the ambit of Section 307 IPC is attributed to him.

Learned State counsel on instructions from SI Pramod submitted that one danda has been recovered from the petitioner. Challan has already been presented, but charges have not been framed so far. Petitioner is in custody since 12.07.2020. Trial of the case may take some time in its culmination due to situation arising out of COVID-19 pandemic.

Perusal of MLR would show that there was one injury. The treatment recorded at Safdarjung Hospital would show that there was another injury over occipital region. It would be debatable as to which injury was attributed to the petitioner particularly when one injury was found in the MLR. At the time of

granting bail to the co-accused Subepal, the Court of Sessions at Gurugram was of the opinion that Satbir was instrumental in inflicting injury on the head of Ravi. Six persons were found injured from the side of accused. No FIR was registered by the Police. It was only on account of Section 156(3) Cr.P.C., the action is being taken against the accused party. Offence under Section 307 IPC would be debatable at the time of trial i.e. whether it was but for timely medical aid or otherwise.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without advertent to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

September 28, 2020
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No