

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-28654-2020 (O&M)**

Sanjay Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-29348-2020 (O&M)

Devender @ Binder ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 11.12.2020**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Arjun Sheoran, Advocate, for the petitioner/s.

Mr. Ramesh K.Ambavta, AAG, Haryana,
assisted by ASI Karambir..*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose off the aforesaid two petitions filed on behalf of Sanjay Singh and Devender @ Binder seeking grant of regular bail in respect of a case registered vide FIR No.259 dated 13.06.2020 at Police Station Narnaund, District Hansi, Haryana, under Sections 307, 34, 365, 506 IPC.
2. The FIR was registered at the instance of Kuldeep, wherein it is alleged that on 13.06.2020 when he was present in his fields, then Rampati along with her two sons Sanjay & Binder and also Sunil

son of Dharampal were present in the adjacent fields carrying 'Baton', stick and 'Kasola'. It is alleged that the said persons attacked the complainant and while Sunil gave blow with 'Kasola' on his waist, Sanjay gave a blow with 'Baton' on the right feet of the complainant. Binder is stated to have caused injury with the 'Baton' on his left leg. Rampati is alleged to have caught the complainant from the front side while the other gave beatings to the complainant indiscriminately. It is further alleged that Rampati exhorted her companions to eliminate the complainant. Subsequently, the complainant was forced in a white coloured vehicle and while they were travelling in the said vehicle accused were saying that the complainant be thrown in the canal. Since there was no water in the canal, he was thrown on the footpath. After throwing the complainant on the footpath, Binder, Sanjay and Rampati told Sunil to run over the vehicle over the complainant and accordingly in order to kill the complainant, Sunil ran over the vehicle over the complainant.

3. The learned counsel for the petitioners has submitted that they have falsely been implicated in the present case and that in case even if the contents of the FIR are taken to be correct, the petitioners cannot be attributed any injury in respect of offence under Section 307 IPC. It has further been submitted that all the injuries are on the non-vital parts and that the alleged three grievous injuries out of the 13 injuries, which were found on the person of the injured, are stated to be on finger, upper arm and wrist of the injured. The learned counsel has further submitted that

although it is alleged that co-accused Sunil had run over his vehicle over the injured, but the medical opinion belies the said allegation.

4. Opposing the petition, the learned State counsel has submitted that since the petitioners are specifically named in the FIR and were carrying 'batons' and are also attributed blows to the complainant on his feet and left leg and in fact as many as 13 injuries were found on the person of the injured, no case for grant of bail is made out. Learned State counsel upon instructions has, however, informed that there is no other case against petitioner Sanjay Singh, but there are three other cases against petitioner Devender @ Binder.
5. I have heard rival submissions addressed before this Court.
6. A perusal of the MLR (Annexure P-3) would reveal that as many as 13 injuries were found on the person of the injured. However, all the said injuries are virtually on non-vital parts inasmuch as the receipt of the said injuries are either on shoulders, arms, legs, knees or hands. Even the three injuries i.e. injury No. 3, 5 & 9, which have been classified as 'grievous' injuries are on non-vital parts. The allegations pertaining to running over of a vehicle over the injured could not be substantiated by the medical evidence i.e. from the report Annexure P-4 wherein it has been reported that there is nothing to suggest that any of the injuries had been caused by running over the car on the injured. The petitioners Sanjay Singh and Devender @ Binder have been stated to be behind bars since the last about 6 months and 5 months respectively and

challan already stands presented. In these circumstances, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

11.12.2020

Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**