

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29607-2020 (O&M)
Date of Decision:-1.12.2020

Kalu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.86 dated 20.4.2020 at Police Station City Ratia, District Fatehabad, Haryana under Sections 324, 34 and 506 of Indian Penal Code, wherein offence under Section 307 IPC was added and offence under Section 34 IPC was deleted later on.
2. The FIR was lodged at the instance of Surjit Singh, wherein it is alleged that on 16.4.2020 Kalu (petitioner) gave a blow with a knife in his abdomen.
3. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that, in any case, no offence under Section 307 IPC can be said to be made out given the fact that the knife in

question was a kitchen knife as would be evident from the MLR which shows one lacerated wound in the abdomen of the complainant.

4. Opposing the petition, the learned State counsel has submitted that since an injury with a sharp edged knife was inflicted by the petitioner on a vital part of the body, Section 307 IPC is clearly made out and, as such, the petitioner does not deserve the concession of bail. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 6 months and that he is not involved in any other case.
5. Having regard to the facts and circumstances of the case and the nature of injury allegedly sustained by the complainant and also that the petitioner has been behind bars since the last about 6 months and is not stated to be involved in any other case, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. It is, however, ordered that the petitioner shall pay an amount of ₹20,000/- to the complainant as unconditional compensation for the injuries sustained by him, which shall be paid by way of demand draft to the complainant or may be transmitted in his bank account through RTGS or may be paid in the Trial Court. In case, the aforesaid amount of ₹20,000/- is deposited/paid before the Trial Court, the same shall be released in favour of the complainant. It is further clarified, in case the aforesaid payment is not made, the bail order shall stand cancelled. It is further clarified that the payment of the aforesaid amount shall not be deemed to be any kind of admission of guilt by the

petitioner and shall be without prejudice to his rights to contest the allegations levelled against him.

7.
- It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

1.12.2020

(Gurvinder Singh Gill)
Judge

pankaj

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No