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

CRM-M No. 33035 of 2020
Date of Decision: 30.10.2020

Ajay Pal Singh

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashit Malik, 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.63 dated 12.03.2020 under Sections 148, 149, 323, 324, 326, 307, 341, 506 IPC and under Section 3(1) (r), 3(1) (s), 3(2) (v), 3(2) (va) of SC/ST Act, 1989 registered at Police Station Ismailabad, District Kurukshetra.

FIR was registered at the instance of Charan Dass with the allegations that about 04 years back, the petitioner had caused injuries to him, but the matter was compromised in the Panchayat. Due to the aforesaid grudge, on 10.03.2020, on the festival of Holi, complainant along with his friends was going to

Thaska Miranji in a car of his friend Sanju. Near a liquor vend, they alighted from the car to answer the call of nature. At that time, petitioner and Maninder Sodhi came from the side of liquor vend and started abusing them. The complainant along with others sat in the car and came back to village Thaska Miranji. Sanju dropped them near the street and went away. At about 2.00 PM, when the complainant and his friends were going, then near the bara of Ram Chander, 5-6 motorcyclists came. About 15-20 persons were present, armed with deadly weapons. They encircled the complainant. Petitioner was armed with sword. Prince was armed with Gandasi. Amarjeet Singh was armed with binda, Maninder Sodhi was armed with danda, Manpreet Singh was armed with danda, Vachitar Singh was armed with danda, Gurmukh Singh was armed with danda. Other unknown persons were also armed with danda and bindas. Petitioner raised lalkara and hit the complainant with sword on his neck. The blow landed on the left side of the neck. Prince hit the complainant with gandasi and the complainant in order to save himself took the blow on his right hand and thus received injuries on his arm. Prince again inflicted gandasi blow on his left arm, due to which he fell down. Petitioner and others attacked the complainant. When the friends of the complainant namely Ravi and Joginder tried to save him, they were also

attacked. Alarm attracted many persons, but the assailants kept on beating them. Thereafter, they fled away from the spot.

Learned counsel for the petitioner submits that as per MLR, petitioner is author of simple injury in the form of injury No.3 which was Superficial Lacerated Wound 10x2cm on the left side of neck. The injury was horizontally placed.

In the original MLR, the injury was shown to be blunt, but the doctor explained the aforesaid fact by way of subsequent explanation that the injury was incised and the word 'blunt' was on account of some typographical error. Fracture on the radius with radio Ulnar joint dislocation was found to be grievous in nature and the said injury was attributed to Prince.

Co-accused namely Gurmukh Singh, Lovepreet Singh, Maninder Singh Sodhi and Manpreet have already been granted regular bail by this Court in CRM-M No.20017 of 2020, CRM-M No.20155 of 2020, CRM-M No.25740 of 2020 and CRM-M No.25759 of 2020 respectively.

Per contra, learned State counsel submits that even though the petitioner is author of simple injury, but intention can be inferred from the fact that he intended to cause injury with sharp edged weapon on the neck and therefore, offence under Section 307 IPC is attracted.

Having heard learned counsel for the parties, I find

that the petitioner is author of simple injury. Initial MLR shows the injury to be blunt, however, the doctor has tried to explain the same to be an incised wound subsequently.

So far as offence under SC/ST Act is concerned, the same would remain debatable in the absence of specific utterance and in view of no pleadings qua knowledge of the accused persons whether the complainant belongs to SC category or not.

Challan has already been presented, but charges have not been framed.

Looking to the present situation arising out of pandemic COVID-19, there is every possibility of further delay in progress of the case before the trial Court.

In view of above, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

30.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |