

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-34621 of 2020

Date of decision:16.12.2020

Sunder

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Kunal Dawar, Advocate,
for the petitioner
Mr.B.S.Virk, DAG, Haryana
Mr.Keshav Partap Singh, Advocate,
for the complainant

...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of regular bail, upon FIR no.431, dated 30.8.2020, having been registered at Police Station Surajkund, District Faridabad, alleging therein the commission of offences punishable under Sections 148/149/323/324 of the IPC (with Sections 325/307/506 of the IPC having been added later on).

Learned counsel for the petitioner submits that the petitioner in this case is similarly placed as Omwati who has already been admitted to bail by this court vide an order passed on 9.10.2020 in CRM-M-31916, with the role attributed to him being that he allegedly inflicted injuries with his bare hands on those injured.

Though Mr.Keshav Partap Singh, learned counsel for the complainant, submits that in fact as per the CCTV footage the petitioner (Sunder) was holding a *Danda* in his hands, however, he could not deny that as per the FIR itself, of course the injuries attributed to him are with his bare hands.

Mr.Virk, learned counsel for the State, also submits that as per his instructions, the petitioner is alleged to have thrown brick bats which resulted in injuries on their side.

Mr.Dawar however submits that in fact a cross-version to the FIR is not being registered by the police, with them in fact treating the occurrence of a day earlier (on which an FIR was registered at the instance of a companion of the petitioner), as the cross-version to the FIR in question, which is not so at all and therefore, with the petitioner also having been in custody now for almost three months, he deserves to be admitted to bail.

Keeping the aforesaid facts in view and also seeing that the petitions filed by the co-accused of the petitioner, i.e. Sumit and Sagar Badhana, seeking anticipatory bail have been dismissed today itself by this court vide a separate order on the ground that a grievous injury and one dangerous to life is alleged to have been attributed to them, the petitioner in this case, i.e. Sunder, is ordered to be admitted to bail upon him furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned.

The petition is allowed in the aforesaid terms, obviously without making any comment on the actual merits of the case.

Learned counsel for the parties are *ad idem* that in fact with the report under Section 173(2) of the Cr.P.C. having been submitted, an offence punishable under Section 326 of the IPC has been added therein and therefore though in this petition the said offence has not been referred to because at the initial stage it was not added in the FIR, the petitioner may be admitted to bail in the context of that offence also.

Ordered accordingly.

16.12.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No