

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

**CRM-M No.35941 of 2020(O&M)
Date of Decision-08.12.2020**

Prince Pal Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, Asstt., A.G. Haryana.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks regular bail under Section 439 Cr.P.C in case bearing FIR No.63 dated 12.03.2020 registered under Sections 148, 149, 323, 324, 326, 307, 341, 506 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act at Police Station Ismailabad, District Kurukshetra.

[2]. FIR was registered at the instance of CharanDass @ Sonu who alleged that about 4 years back, Ajay Guraya had caused injuries to him. The matter was compromised in the Panchayat, but Ajay Guraya kept grudge against the complainant. On 10.03.2020, on the festival of Holi, the complainant along with his friends was going to ThaskaMiranji in a car of his friend Sanju. They alighted from the car near a liquor vend to answer call of the nature. At that time, Ajay Guraya and Maninder Singh Sodhi came from the side of

liquor vend and started abusing them. Complainant and his friends boarded the car and came to the village ThaskaMiranji. Sanju dropped them near the street and went away. At about 2 PM, when the complainant and his friends were going, then near the bara of Ram Chander, 5-6 motorcyclists came duly armed with sword, gandasi, bindas and dandas and they encircled the complainant and his friends. Ajay Goraya was armed with sword. Petitioner was armed with gandasi. Amarjeet Singh was armed with binda. Manpreet Singh was armed with danda. Vachitar Singh was armed with danda. Gurmukh Singh was armed with danda and other unknown persons were also armed with dandas and bindas. Ajay Goraya raised a *lalkara* and gave sword blow on the left side of the neck of the complainant. Petitioner attacked the complainant with gandasi and the complainant warded off the blow by his right hand and the gandasi hit his wrist. Petitioner again gave a gandasi blow on the left arm, due to which the complainant fell down. Other accused also opened attack on the complainant. When friends of the complainant tried to save him, then they were also attacked. On raising alarm, many persons attracted to the spot, but the assailants kept on beating the complainant and his friends. Thereafter, they fled away from the spot.

[3]. Learned counsel for the petitioner submitted that the complainant was medico legally examined on 10.03.2020 at 5:30 PM. As per MLR, following injuries were found on the person of the complainant:-

"1. Diffuse swelling forehead in the middle just above the eyebrow. Blood clots present in the nostrils. Patient conscious and oriented. Adv. X-ray nose and skull, CT head and surgeon and ENT surgeon opinion. Sub to X-ray and opinion. Blunt. Within 6 hours.

2. L/W of size 10x5cm on dorsum of right hand and forearm distally bone deep with fresh bleeding with deformity present lying obliquely. Adv. x-ray hand and forearm and ortho opinion. Sub to x-ray and opinion. Blunt. Within 6 hours.

3. Superficial L/W of size 10x2 cm on left side of the neck lying horizontally. Adv. X-ray and surgeon opinion. Sub to x-ray and opinion. Blunt. Within 6 hours.

4. L/W of size 5x0.5 cm on left frontal area of head, bone deep with fresh bleeding lying obliquely. Adv. x-ray and surgeon opinion. Sub to x-ray and opinion. Blunt. Within 6 hours."

Injury No.2 was attributed to the petitioner.

[4]. Learned counsel for the petitioner by referring to the note appended by the doctor further submitted that incised wound in place of lacerated wound (L/W) for injuries No.2 and 3 in the MLR dated 10.03.2020 be read and kind of weapon used as sharp in place of blunt, as it was typed due to inadvertent error. Learned counsel further submitted that even if, the said clarification has been done by the doctor, the petitioner is author of injury No.2, which cannot be declared as dangerous to life by any stretch of imagination. At the most, injury No.2 is grievous in nature, which would attract either offence under Section 325 IPC or 326 IPC.

[5]. Co-accused Harshdeep Singh has been granted regular bail vide order dated 08.10.2020 passed in CRM-M No.30344 of 2020. Co-accused Ajay Pal Singh has also been granted regular bail vide order dated 30.10.2020 passed in CRM-M No.33035 of 2020. Co-accused Maninder Singh Sodhi and Manpreet Singh have been granted regular bail vide order dated 11.09.2020 passed in CRM-M No.25740 of 2020 and CRM-M No.25759 of 2020 respectively. Co-accused Gurmukh Singh and Lovepreet Singh have been granted regular bail vide order dated 10.08.2020 passed in CRM-M No.20017 of 2020 and CRM-M No.20155 of 2020 respectively. Co-accused Vachitar Singh and Amarjit Singh have also been granted regular bail vide orders dated 24.09.2020 and 29.09.2020 passed in CRM-M No.28424 of 2020 and CRM-M No.28997 of 2020 respectively.

[6]. *Per contra*, learned State counsel opposed the bail on the ground that the petitioner was member of lawful assembly and caused injuries to the complainant with deadly weapon and injury No.2 was incised wound as clarified by the doctor vide note dated 10.03.2020. Gandasi has already been recovered from the petitioner. Petitioner and others were instrumental in causing grievous hurt to the complainant and also abused him in the name of caste. Challan has already been presented on 29.05.2020.

[7]. Petitioner is in judicial custody since 01.04.2020. Petitioner is author of injury No.2. It would be debatable as to

whether injury No.2 would attract the complicity in terms of Section 307 IPC or not. Offence under SC/ST Act would also remain debatable as there are no specific allegations and utterances qua the offence except to allege that assailants abused the complainant in the name of caste.

[8]. At this stage, keeping in view the custody of the petitioner, bails to co-accused, the situation arising out of pandemic Covid-19 and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

[9]. Nothing expressed hereinabove, shall be construed to be an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

08.12.2020
Prince

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No