

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

CRM-M-41598-2020 (O&M)
Date of Decision:-15.12.2020

Amandeep @ Mamran

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Gopal Dass.

(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.0183 dated 7.8.2020 at Police Station City Ratia, District Fatehabad under Sections 323, 324 and 34 of Indian Penal Code, wherein offence under Section 307 IPC was added lateron.
2. The FIR was lodged at the instance of Rakesh @ Rocky wherein it is alleged that on 5.8.2020 he along with Kinder @ Jasbir and Jeetu went to the house of Kinder @ Jasbir where Rajat, Ratia and Mamna (petitioner) were present and they were under the influence of liquor. Since the said persons had parked their motorcycle in the house of Kinder @ Jasbir, some hot words were exchanged between Kinder @ Jasbir and Rajat. It is further alleged that

thereafter Jeetu asked Rajat about ownership of the said motorcycle upon which Rajat gave a slap to Jeetu. Complainant is also stated to have given a slap to Rajat and upon which Rajat inflicted an injury with knife upon complainant's back. The petitioner Mamran is thereafter is alleged to have given fist and kick blows to the complainant.

3. Learned counsel for the petitioner has submitted that a perusal of the FIR would show that it is the co-accused Rajat, who inflicted an injury with a knife and that the petitioner is attributed fist and kick blows only and that too after the injury had been caused by co-accused.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and had participated in the fight resulting in serious injury to the complainant, no case for grant of bail is made out. The learned State counsel has further informed that the petitioner is a habitual offender and had earlier been involved in 4 other cases and, as such, does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. It is a case where a quarrel seems to have taken place on the spur of the moment between the complainant and his companions with the accused who were alleged to be under influence of liquor. The quarrel seems to have taken place on account of parking of a motorcycle and on account of which Rajat is alleged to have given a knife blow to the complainant. The petitioner is attributed fist and kick blows only. In any case, the petitioner as on date has been behind bars since the last more than 4 months and challan already stands presented. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, 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.

15.12.2020
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No