

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

212

**CRM-M-37014-2019
Date of decision: 29.01.2020**

Idreesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Arjun Singh Yadav, AAG, Haryana
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") for grant of regular bail in case FIR No.11 dated 20.01.2019 under Sections 324 and 307 of the Indian Penal Code, 1860 registered at Police Station Jathlana, District Yamunanagar.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the FIR registered on the statement of Robin son of Khurshid. In his statement, Khurshid alleged that four persons including the petitioner had caused injuries to him and the injured did not make any specific allegations against the petitioner.

As per MLR, there were 11 injuries on the person of injured Khurshid

out of which 08 were caused by blunt weapon while 03 were caused with sharp edged weapon. The attending doctor did not make any observations with regard to the nature of injuries. The injured was treated in PGI where the attending doctor in the medico legal summary opined the injuries to be grievous and in view of the medical opinion offence under Section 307 of the IPC was not made out. During investigation, iron pipe was allegedly recovered from the possession of the petitioner, which as per the medical opinion, could not be the weapon of offence for injuries caused with sharp edged weapon. In his report, the police found other three persons named to be innocent and filed charge sheet only against the petitioner. During trial on statement of injured and complainant Robin, application under Section 319 of the Cr.P.C. has been filed for summoning the remaining three persons. Trial is likely to take long time and no useful purpose will be served by detention of the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that the petitioner along with three others is alleged to have inflicted injuries on the person of Khurshid which were cumulatively dangerous to life and offence under Section 307 of the IPC is also made out. Recovery of weapon of offence i.e. iron pipe was made from possession of the petitioner in accordance with his disclosure statement and the petitioner had also demarcated the place of occurrence. Keeping in view the serious nature of accusation made against the petitioner, he does not deserve the grant of regular bail and the petition may be dismissed accordingly.

Keeping in view the facts and circumstances of the case, nature of accusation and material against the petitioner, absence of specific allegations attributing specifically grievous injuries to him in the context of role of other three persons in causing the injuries and the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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