

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 12.03.2020

1. CRM-M-57361-2018 (O&M)

Rajinder Singh

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-27977-2019 (O&M)

Durga Ram and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Sahu, Advocate
for the petitioner (in CRM-M-57361-2018).

Mr. S.D.S. Bali, Advocate
for the petitioners (in CRM-M-27977-2019).

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Naresh Jain, Advocate
for the complainant (in both cases).

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail to
petitioners Rajinder Singh, Durga Ram and Sher Singh @ Dholu, in FIR No.81
dated 02.06.2018 under Sections 148, 149, 323, 341, 435, 506 IPC (Section 307

IPC was added later on), registered at Police Station Nathusri Choptra, Tehsil and District Sirsa.

Learned counsel for the petitioners have argued that as per allegations in the FIR, on 02.06.2018, when injured-victim Vinod was going on a motorcycle, petitioner Rajinder Singh gave a pipe blow on his head. When complainant Surender and his mother Kamla tried to rescue Vinod, then Manju wife of petitioner Durga Ram, Sunita wife of Sher Singh, having sticks in their hands, started beating Vinod. It is also stated in the FIR that thereafter, they gave beating to the complainant and petitioner Durga Ram, who was carrying an iron pipe, inflicted injury on left leg of the complainant, petitioner Sher Singh, who was carrying an iron handle, inflicted injury on his hand and thereafter, petitioner Rajinder Singh, who was having an iron pipe, also gave an injury on his left hand.

Learned counsel for the petitioners have submitted that on 11.03.2019, the Illaqa Magistrate had directed the CMO to constitute a Medical Board to give opinion about the nature of injuries sustained by victim Vinod, after medico-legally examining him. Learned counsel has referred to the Medical Board opinion to submit that though it was specifically requested that the victim should be medically examined, however, the opinion of two doctors is based on previous MLR and the treatment given by a private hospital. It is further submitted that both the doctors have given the opinion on two different dates and therefore, it cannot be said that they have formed the opinion jointly.

Learned counsel for the petitioners have further submitted that petitioner Rajinder Singh is in custody for the last about 01 year and 07 months and petitioners Durga Ram and Sher Singh @ Dholu are in custody for the last

about 09 months. It is also submitted that injured-victim Vinod and complainant Surender have already been examined, whereas one another witness Kamla has been given up and even the doctors, who have given the opinion, have been examined and there is no possibility for the petitioners to tamper with the prosecution evidence.

Learned State counsel, on instructions from ASI Jagat Ram and assisted by learned counsel for the complainant, has not disputed the judicial custody undergone by the petitioners, however, it is submitted that petitioner Sher Singh is involved in one more FIR registered under Section 353 IPC, as he had caused injuries to police officials, who had gone to arrest him.

Without commenting anything on merits of the case, considering the judicial custody undergone by the petitioners and the fact that all the material witnesses have already been examined, both these petitions are allowed and petitioners Rajinder Singh, Durga Ram and Sher Singh @ Dholu are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Both these petitions stand disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

12.03.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No