

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

CRM-M-966-2021 (O&M)
Date of Decision:- 25.8.2021

Gurpreet @ Rajat @ Deadman

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bishnoi Godara, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Rajender Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.183, dated 7.8.2020, 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 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 Gurpreet @ Rajat inflicted an injury with knife upon complainant's back. Co-accused Mamran is thereafter is alleged to have given fist and kick blows to the complainant.
3. Learned counsel for the petitioner submits that even if the allegations as levelled in the FIR are taken to be correct, it is apparent that the occurrence had taken place in the spur of the moment pursuant to a quarrel which had taken place on account of parking of a motorcycle. Learned counsel has further submitted that since co-accused Amandeep @ Mamna has already been granted bail vide order dated 15.12.2020 (Annexure P-3) the petitioner also deserves the same concession on the grounds of parity especially when he has already been behind bars for the last about one year.
4. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity on account of co-accused Amandeep @ Mamna having been released on bail as the petitioner is attributed a 'grievous injury' with the help of a knife whereas the co-

accused was attributed fist and kick blows only. Learned State counsel has further informed that the petitioner was earlier involved in a case under Section 323 IPC. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about one year and that none of the cited 15 PWs has been examined so far.

5. I have considered rival submissions addressed before this Court.
6. The FIR does show that the petitioner who is the main accused having inflicted a knife blow on the back of the complainant. However, it also appears that the fight had taken place in the spur of a moment on account of some dispute regarding parking of a motorcycle. The petitioner as on date has been behind bars since the last about one year and conclusion of trial is likely to consume time inasmuch as even the charges have not been framed so far and as many as 15 PWs have been cited. In these circumstances, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No