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

**CRM-M No.2210 of 2021
Date of Decision: 18.03.2021**

MANISH @ CHUCHU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Lekhraj Nandal, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.89 dated 10.03.2020, registered under Sections 323, 324, 506 IPC read with Section 34 IPC (Section 307 IPC added later on) at Police Station Kalanaur, District Rohtak.

Initially the FIR was registered under Sections 323, 324, 506 read with Section 34 IPC. Offence under Section 307 IPC was added later on. As per prosecution case, the

complainant Rajesh (Rishipal) was posted as salesman at Dhigra Petrol Pump. On 09.03.2020, Ganesh and Kalu came on motorcycle for filling petrol in the motorcycle. There was some verbal dual between the complainant and the aforesaid Ganesh and Kalu on account of some money. After sometime, Ganesh, Kalu and one more person came on the motorcycle duly armed with sticks and pokers in their hands. With reference to the earlier verbal spat, they started abusing the complainant and attacked him. The alarm attracted uncle of the complainant namely Dayanand, who was also working at the petrol pump. The assailants attacked uncle of the complainant with sticks and pokers. Another salesman of the petrol pump namely Vikas came to the spot and after hectic effort, he got the complainant and his uncle separated from the assailants. The assailants fled away from the spot.

Learned counsel for the petitioner submitted that the co-accused Ganesh and Kalu have already been granted regular bail by the trial Court. The offence under Section 307 IPC was added after about five months of the occurrence.

As per prosecution, poker has been recovered from the petitioner, but the same has not been subjected to any FSL.

Learned State counsel however opposed the bail on the ground that the petitioner has been identified as the person,

who came along with Ganesh and Kalu and he inflicted poker (Sua) blow in the abdomen of the complainant and said injury ultimately proved to be dangerous to life.

As per MLR of the complainant, three injuries were found on his person. All the three injuries were caused by sharp-edged weapon. Two injuries were found on the person of Dayanand, which were also inflicted by sharp-edged weapon. The whole FIR is silent about the specific attribution qua all the accused except to allege that all the persons attacked upon the complainant and his uncle Dayanand. Co-accused namely Ganesh and Kalu have already been released on regular bail. The alleged recovery of poker (sua) viz-a-viz. the injuries on the person of complainant and Dayanand would remain debatable. Petitioner is in custody since 24.08.2020. The trial of the case may take some time in its culmination.

In view of aforesaid facts and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 18, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No