

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

CRM-M-6664-2021(O&M)
Date of Decision:- 17.2.2021

Jony ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Kharb, Advocate for the petitioner.

Mr. Dhruv Sheoran, DAG Haryana
assisted by Inspector Sunita.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.319 dated 27.10.2020 under Sections 323/324/326/506/201/34 IPC at Police Station Sector 13-17, Panipat, District Panipat, wherein offence under Section 326 IPC has been added lateron.
2. The FIR was lodged at the instance of Billu wherein it has been alleged that on 26.10.2020, their motorcycle was parked in the street in front of their house. Rajinder abused them and told them to remove the bike. When the complainant objected to the abuses, Rajinder attacked him with a sword hitting him on his left ear. When complainant's nephew Pawan Kumar came forward to rescue him, Rajinder inflicted a blow with sword hitting him on his head and right hand. Upon hearing their noise, complainant's brother

Ram Kumar also came there but he was also caused injuries by Jony and Saroj with sticks. Jony even issued threats to kill them.

3. The learned counsel for the petitioner has submitted that the only role attributed to the petitioner is that he had caused blows with stick to Ram Kumar and that in any case even if the said allegations are taken to be correct, the same are in the nature of a simple injury.
4. The learned counsel has further submitted that infact it is a case of cross version wherein on the same day, the accused party also lodged FIR against the complainant party pertaining to the injuries caused to the accused party. The learned counsel in this regard has drawn the attention of this Court to FIR No. 320 dated 27.10.2020, Police Station Sector 13-17, Panipat, District Panipat (Annexure P-3) lodged at the instance of Saroj wherein it has been alleged that on 26.10.2020 when they were shifting their household articles to their new house, they had parked their motorcycle in the middle of the street and on account of which there was a heated exchange of words. It is alleged that after some time Ram Kumar, Krishan, Pawan, Sonu, Billu, Rahul, Ankit, Parmila and Priyanka entered their house after breaking the main gate and attacked them with sticks, *gandasi* and sword. It is alleged that the complainant Saroj, her husband Rajinder and her son Jony sustained serious injuries.
5. The learned counsel has submitted that apparently it is a case of cross versions and infact it is the opposite party which had entered into the house of the accused and had caused injuries to them.
6. The learned State counsel has, however, submitted that since the petitioner is specifically named in the FIR and is also attributed an injury with stick to

Ram Kumar, no case for grant of bail is made out. The learned State counsel has, however, informed that previously the petitioner had been released on bail as all the offences are bailable but subsequently on account of addition of an offence under Section 326 IPC, which is attributed to co-accused, the petitioner has been arrested. The learned State counsel has, however, informed that the petitioner is not involved in any other case.

7. I have considered rival submissions addressed before this Court.
8. Having regard to the fact that the petitioner is attributed a simple injury and it is a case of cross versions wherein it is yet to be established as to which of the party is the aggressor, further detention of the petitioner will not serve any useful purpose.
9. 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.

17.2.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No