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

**CRM-M No.8099 of 2021(O&M)
Date of Decision: 26.02.2021**

**Mandeep
Vs**

.....Petitioner

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, 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.180 dated 01.11.2020 registered under Sections 323, 324, 506, 307, 34 IPC and Section 25 of the Arms Act at Police Station Buria, District Yamuna Nagar.

Petitioner has already surrendered before the Duty Magistrate on 18.12.2020 when the offence under Section 307 IPC was not in existence. CRM-M-38102-2020 was ultimately got dismissed as withdrawn on 05.02.2021. The offence under

Section 307 IPC was re-inserted thereafter and the petitioner was taken into custody for the offence under Section 307 IPC on 30.12.2020. As per allegations, Rahul son of Salinder, Mandeep son of Rajbir (petitioner) and Gaurav son of Prem Chand were consuming liquor on the roof of a shop. Rahul son of Manjit Singh (other Rahul) went to them at the roof, where the petitioner borrowed a sum of Rs.200/- from him and then they asked Rahul son of Manjit Singh to bring a bottle of water. When Rahul brought bottle of water, then Mandeep (petitioner) started hurling abuses to him without any reason. The complainant (Pankaj) on hearing the abuses, went to the roof as the petitioner was abusing loudly. Mandeep inflicted empty liquor bottle on Rahul son of Manjit Singh, which hit him on the right side of head. Gaurav took out a knife from his dub and inflicted stab injuries upon Rahul son of Manjit Singh in the abdomen towards the left side. When Pankaj tried to rescue Rahul from the assailants, the knife blow hit the mouth of Rahul towards the left side and left shoulder and Rahul fell down. Thereafter, Gaurav inflicted knife injuries to him on the left side of abdomen. Rahul son of Salinder gave a push to the complainant and made him to fall on the roof and thereafter all the three i.e. Rahul son of Salinder, petitioner and Gaurav started beating the complainant and Rahul son of Manjit Singh with kick blows when they were in lying condition.

Learned counsel for the petitioner further submits that during the course of investigation, Rahul son of Salinder was found to be innocent. The part attributed to the petitioner is of inflicting empty liquor bottle blow on the head of Rahul son of Manjit Singh which ultimately hit towards the right side of head of Rahul. The petitioner also gave injuries to the complainant when he was in falling condition. The injury attributed to the petitioner on the person of Rahul son of Manjit Singh does not attract offence under Section 307 IPC, rather the same is the injury covered under Section 324 IPC. The main injury is attributed to Gaurav, which was declared to be dangerous to life and offence under Section 307 IPC was added later on.

The petitioner is in custody since 18.12.2020. Challan has already been presented.

The factual position of the case could not be disputed by learned State counsel on instructions from Investigating Officer, however, he opposed the bail on the ground that the petitioner was also one of the accused person, who initially inflicted empty liquor bottle blow on the head of Rahul son of Manjit Singh and thereafter, gave injuries to the complainant Pankaj when he was in falling condition on the roof. Petitioner is also involved in one more case, in which he is on bail.

In view of allegations, prior meeting of mind between

the accused would remain debatable as the occurrence took place when the accused persons were consuming liquor at the roof of a shop and Rahul son of Manjit Singh was asked to bring bottle of water.

In view of part attributed to the petitioner and stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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.

26.02.2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No