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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.11598 of 2021 (O&M)

Date of decision: 17.03.2021

Gurpreet Singh @ Gaggi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.197 dated 29.11.2020, for offence punishable under Sections 323, 324, 325, 326 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Guhla, District Kaithal.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of the victim Parvesh, he along with his friend Happy, another injured, were attacked by the petitioner and 5-6 other persons. The co-accused Ajay gave a gandasi blow on the right hand, which hit on the finger. Abhi gave gandasi blow on the right knee. The petitioner gave a gandasi blow on the right ankle and Ajay gave another blow of the gandasi on the knee. Vishal gave a blow of the handle of the gandasi on the left wrist. Thereafter, the accused persons ran away from the spot.

Counsel for the petitioner has further submitted that injury No.3 attributed to the petitioner was declared grievous and Section 326 IPC was added. It is further argued that as per the MLR of the victim, he has suffered 05 injuries out of which injuries No.2 to 5 are caused by sharp-edged weapon like gandasi. Lastly, it is argued that considering the fact that the petitioner is a student and is in custody for about 03 months and without prejudice to his right of defence, the petitioner is ready to compensate the victim by paying an amount of Rs.50,000/- towards his medical expenses.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. Counsel for the State has further submitted that injury No.3 which has been caused by gandasi on the right knee and as per the medical summary, it is referred to as '*Pattela Bone Cut*' and the knee has been injured seriously. It is also submitted that the complainant has undergone a long treatment and since he is also a young man, there is a possibility of suffering medical disability as he remain admitted in Maharaj Agarsain Hospital, Agroha for treatment. However, it is not disputed that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is a young man; he is in custody for about 03 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; the petitioner, without prejudice to his right of defence, is ready to compensate the victim with Rs.50,000/- and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed

and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

The petitioner will hand over the demand draft of Rs.50,000/- before the trial Court, favouring the victim – Parvesh.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No