

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

CRM-M-12089-2021 (O&M)
Date of Decision:- 22.3.2021

Vinod @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Subash Chander.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.199, dated 17.10.2020, Police Station Ding District Sirsa, under Sections 325, 323, 506, 147, 149 IPC (Section 307 IPC added lateron).
2. The FIR was lodged at the instance of Surinder Kumar wherein it is alleged that on 12.10.2020 there was some altercation between complainant's father and their neighbour Dalip Singh, his son Sunil and his wife Sheetal. Later at about 7.30 pm. when the complainant

went to buy vegetables, he saw his neighbour Dalip Singh, his son Sunil and Nonu present in their shop. When the complainant went up to them so as to talk to them, they got infuriated and they along with their friends Vinod @ Kala (petitioner), Vinod @ Dayal, Ankit and one unknown person came out of their shop. Sunil and Nonu took out 'sticks' from their shops and gave beatings to the complainant on his hips and legs. Vinod @ Dayal picked up a brick bat and hit with the same on complainant's head on account of which the complainant fell on the ground. While he was lying down all the accused gave kicks and fist blows to him.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the FIR is a result of consultations and concoction inasmuch as the same came to be lodged after about 5 days of the occurrence in question. It has further been submitted that in any case even as per the FIR, the petitioner is not attributed any specific injury and that the injury attracting the offence under Section 307 IPC is attributed to co-accused Vinod @ Dayal.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender and has been involved in as many as 8 other cases and as such does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 ½ months and challan already stands presented.

5. Having regard to the aforestated position wherein the petitioner is not attributed any specific injury and in any case has been behind bars since the last about 3 ½ months, further detention of the petitioner will not serve any useful purpose. 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.

March 22, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No