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

(Through video-conferencing)

**CRM-M No.15200 of 2021
Date of Decision: 01.09.2021**

JITENDER

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0935 dated 07.12.2020, registered under Sections 148, 149, 323, 324, 452, 506, 326, 511 IPC (Section 326 IPC added and Section 511 IPC deleted later on) at P.S. Sadar Karnal, District Karnal, Haryana.

As per allegations, the petitioner-Jitender is author of an incised wound of size 5 x 1.5 cm bone deep over the medial boarder of right hand of the complainant-Surender. On X-ray, the injury was found to be a fracture on metacarpal of right little

finger and the same was declared to be grievous in nature, thereby attracting offence under Section 326 IPC. Injury No.2 on the person of Surrender was attributed to co-accused Ankit and the same was found to be simple in nature. Co-accused Ankit has been granted anticipatory bail by this Court vide order of even date passed in CRM-M No.4557 of 2021. Injury No.3 is attributed to some other person, which is in the form of spherical swelling over the medical boarded of right hand.

Learned counsel for the petitioner submits that injury No.1 is on non-vital part of the body of the complainant. Petitioner has also suffered injury in the occurrence in question and despite preparation of his MLR, no cross-version was recorded by the Police. Petitioner received lacerated wound on his head. Middle deep fresh bleeding was present. There was pain in the right eye, redness present and petitioner was advised to ortho neurology. Petitioner also felt pain in the throat for which X-Ray was advised. Petitioner is in custody since 25.01.2021. Challan has been presented. Now 07.09.2021 is the date fixed before the trial Court for framing of charges.

The factual position of the case could not be disputed by learned State counsel, however he opposed the bail on the premise that petitioner is author of grievance injury i.e. fracture on metacarpal of right little finger.

Keeping in view the nature of injury on the person of the complainant, date of custody and stage of trial, I deem it appropriate to enlarge the petitioner on regular bail, without advertng anything on merits of the case.

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 opinion on merits of the case.

September 01, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No