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

(Through video conferencing)

**CRM-M No.16132 of 2021 (O&M)
Date of Decision: 20.09.2021**

SUNIL @ MOGAL AND ANOTHER

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Jai Singh Yadav, Advocate
for the petitioners.

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

Mr. Sagar Aggarwal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

CRM-19503-2021

This is an application for addition of offences under Sections 325 and 327 IPC in the head note and prayer clause of the petition as the same were advertently left to be added in the head note and prayer clause of the petition.

Notice of this application was issued on 22.07.2019.

For the reasons mentioned in the application, the same

is allowed. Offences under Sections 325 and 327 IPC are ordered to be incorporated in the head note and prayer clause of the petition, subject to all just exceptions.

Necessary correction be carried out.

Main case

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.82 dated 01.03.2021 registered under Sections 307, 323, 34, 386, 447, 452, 506 and 511 IPC (Sections 325 and 327 IPC added later on) at Police Station Rewari City, District Rewari, Haryana.

The FIR was registered at the instance of Kavidutt with the allegations that on 01.03.2021 at about 9.30 and 10.00 O' Clock, Mahender @ Billa, Sunil @ Mughal and Dinesh came to the spot in a pre-planned manner. Mahender @ Billa was having an axe in his hand. Petitioners were having sticks in their hands. Inder was already present at the spot. Mahender @ Billa gave an axe blow on the right knee, left hand and on the head of the complainant. He along with the petitioners gave injuries to the brother of complainant Narotam on his left foot, right knee patella and near left elbow. Petitioners attributed injuries to the complainant on his head and hands in a row.

Learned counsel for the petitioners submits that as per MLR of the complainant, he received seven injuries. Injury No.1

was subjected to CT report and CT report shows normal NCCT of the head and the injury is declared as simple injury. As per MLR, Injury No.3 is the fracture of patella bone of right knee and the injury is found to be grievous in nature. This injury is attributed to Mahender @ Billa. Injuries No.2, 4, 5, 6 and 7 are found to be simple in nature. Injuries No.3 to 5 on the person of Narotam are also found to be simple in nature. Injuries No.1 and 2 i.e. fracture of both bone of left hand are found to be grievous in nature. Qua the injury on the person of the complainant, the petitioners are authors of simple injuries. Qua the person of brother of the complainant Narotam, the petitioners collectively gave injuries to Narotam on his left foot, right knee patella and near left elbow. The injuries No.1 and 2 are grievous in nature. The injuries are blunt injuries, therefore, the offence under Section 325 IPC is attracted which is bailable in nature.

Learned State counsel duly assisted by learned counsel for the complainant however opposed the bail on the ground that according to CCTV footages, the occurrence has taken place in a brutal manner and the petitioners have actively participated in connivance with the co-accused Mahender @ Billa. The challan has been presented.

In view of aforesaid facts and circumstances, I deem it appropriate to enlarge the petitioners on regular bail, without

adverting anything on the merits of the case.

In view of above, petition is allowed. Petitioners are ordered to be released on bail, subject to their 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.

September 20, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No