

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

**CRM-M-18844-2021
Date of decision: 13.05.2021**

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravi Malik, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 329 dated 05.12.2020, registered under Sections 147, 148, 149, 323, 324, 325, 326, 506 of the IPC at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner, at the very outset, relies upon order dated 28.04.2021 jointly passed in CRM-M Nos. 15148 & 12669 of 2021, vide which some of the co-accused, namely Surender Kumar, Vakil and others, have been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of complainant Ved Parkash, it is stated that he is working as a driver and on 05.12.2020, his vehicle did not start, therefore, his son Monu and brother Rajinder were pushing the same to get it started, however, in the meantime, petitioner Baljeet Singh came there and started abusing them. Thereafter, he went back to his house and came back along with Satish, Daya, Sonu, Surender, Pawan, Vakil and Mandari. All of them were carrying lathis and gandas and they attacked on the

complainant party. Satish gave a gandasi blow which hit below the right eye of the complainant; Sonu gave a danda blow which hit the forehead of the complainant and Daya also gave a danda blow which hit the left arm and waist of the complainant. Then Baljit gave a gandasi blow to Rajinder which hit his right hand; Surrender also gave a gandasi blow to Rajinder which the head of Rajinder; Mandhari gave a lathi blow to Rajinder which hit the left leg of Rajinder. Thereafter, Mandhari gave a danda blow to complainant's son Monu. Thereafter, the complainant party raised hue and cry and complainant's nephew Mohit came there, on which, Vakil gave a gandasi blow to him which hit his right thumb; Pawan also gave a gandasi blow to Mohit which hit his small finger of left hand. Thereafter, all the accused persons fled away from the spot.

Learned counsel for the petitioners further submits that the incident has occurred due to sudden provocation and the petitioners are ready to compensate the injured victims by paying a sum of Rs. 25,000/- each towards their medical expenses, without any prejudice to their right of defence.

Learned counsel further submits that challan stands presented and conclusion of trial is likely to take a long time, therefore, the petitioners, who are in judicial custody since 01.02.2021, may be enlarged on regular bail.

Learned State counsel, on the basis of the affidavit of the DSP, Narwana, has opposed the bail on the ground that all the accused, in conspiracy with each other, have caused injuries to complainant party as detailed in the affidavit and FIR.

Learned State counsel further submits that there are total eight accused and challan qua the petitioners

herein have already been presented.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the facts that petitioners are in judicial custody since 01.02.2021 and they have fairly volunteered to pay a sum of Rs. 25,000/- each to all four injured witnesses and also in view of the fact that conclusion of trial is likely to take some time, the present petitions are allowed. Petitioners Surender, Vakil, Dharampal @ Madri, Dayanand @ Daya and Baljeet Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.

However, this will be subject to a condition that each petitioner will deposit a sum of Rs. 20,000/- with the Illaqua Magistrate/trial Court at the time of furnishing bail/surety bonds and the said amount, i.e. Rs. 1,00,000/-, will be disbursed to all the four injured victims in equal share by the Illaqua Magistrate/trial Court.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that the injuries, invoking Section 326 IPC, are not attributed to the petitioner as the allegation against the petitioner is that he has caused an injury to the forehead of one of the victim namely Ved Parkash.

Learned counsel further submits that in order to show his bona fide, the petitioner is ready to deposit a sum of Rs. 20,000/- with the Illaqua Magistrate/trial Court, which may be disbursed to all the four injured persons in equal share, without any prejudice to the right of defence of the petitioner.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and submits that injury attributed to the petitioner is multiple lacerated superficial abrasions present on face and nose with fresh bleeding and swelling present on forehead. Learned State counsel has not disputed the fact that the said injury was declared a simple injury.

After hearing learned counsel for the parties, without commenting on the merits of the case, considering the aforesaid submissions made by learned counsel for the parties and also in view of the fact that main accused have already been granted concession of regular bail as noticed above and the petitioner has volunteered to deposit a sum of Rs. 20,000/- to be paid to the victims as compensation towards their medical expenses, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, this will be subject to a condition that petitioner will deposit a sum of Rs. 20,000/- with the Illaqua Magistrate/trial Court within a period of 30 days from today and the said amount will be disbursed to all the four injured victims in equal share by the Illaqua Magistrate/trial Court.

The payment of aforesaid amount by the petitioner shall not cause any prejudice to his right of defence and it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing him a written notice in this regard.

13.05.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

**(ARVIND SINGH SANGWAN)
JUDGE**

*Yes/No
Yes/No*