

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**
(213)

CRM-M-22557-2021
Date of decision:- 25.08.2021

Pritam		... Petitioner
	Versus	
State of Haryana		... Respondent

(213-1)

CRM-M-23131-2021
Date of decision :- 25.08.2021

Kuldeep		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner (in CRM-M-22557-2021).

Mr. Vikram Singh, Advocate
for the petitioner (in CRM-M-23131-2021)

Mr. Amit Aggarwal, DAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

This order shall dispose of ***CRM-M-22557-2021 titled as Pritam
Versus State of Haryana*** and ***CRM-M-23131-2021 titled as Kuldeep
Versus State of Haryana*** as both the petitioners are accused in FIR No.79

dated 06.03.2021 under Sections 323, 324, 506 and 34 of the Indian Penal Code, 1860 (for short "IPC") (Section 180 and 326 of IPC and Section 25 of Arms Act, 1959 were added later on), registered at Police Station Matlauda, District Panipat (Annexure P-1) and have approached this Court under through separate petitions filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail.

As per prosecution case, FIR (Annexure P-1) came to be registered on the statement of Birender @ Binder on the allegation that he and Vishal were sitting at the D.J. shop of their friend, Deepu, when Kuldeep (petitioner in CRM-M-23131-2021) and Pritam (petitioner in CRM-M-22557-2021) came on a motorcycle. Kuldeep was armed with sword and he gave a blow on the hand and shoulder of his friend and when Vishal tried to save him, he inflicted injuries on him also. Pritam, who had a wooden binda, inflicted injuries on both of them.

Counsel for the petitioner submits that initially FIR was registered for offence under Section 323, 324, 34 and 506 of IPC and by order dated 18.03.2021, the petitioners were ordered to be released on regular bail. On the basis of medical opinion, Section 326 IPC was added and the petitioners were rearrested on 05.04.2021 and their petition for grant of regular bail was declined by the trial Court. Counsel submits that a cross case bearing FIR No. 80 dated 07.03.2021, Annexure P-3, has been lodged on the statement of accused-Pritam wherein he has alleged that when he went to the shop, Deepu along with Birender @ Binder and Vishal, who were present there, were consuming liquor and they abused

them, which resulted in altercation between the parties. It has been submitted that accused-Pritam is involved in another criminal case relating to a petty fight in which he is on bail. Counsel further submits that investigation has been completed, challan has been filed, charge has been framed, and therefore, the petitioners are no longer required for custodial interrogation and deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from ASI Raj Kumar submits that both the petitioners have been named in the FIR and specific role has been assigned to both of them. He submits that recovery of the sword has been effected from accused-Kuldeep, and wooden binda and motorcycle have been recovered from accused-Pritam. As per his instructions, trial is fixed for 09.09.2021, but the testimony of the prosecution witnesses is yet to be recorded.

Having considered the facts and circumstances of the case, and keeping in view the fact that it is a case of version and cross version and it is yet to be determined as to which of the two parties in the aggression, this Court is *prima-facie* of the view that the petitioners would be entitled to released on bail.

Without commenting upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petitions are allowed and the petitioners, namely, Pritam and Kuldeep, are ordered to be released on bail on their furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

25.08.2021

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No