

CRM-M-24045-2021 (O&M)
Date of Decision : 20.07.2021

Jasbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Narender Kaajla, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.275 dated 16.08.2020, registered under Sections 148, 149, 323, 325, 452, 506 IPC, at Police Station Chandimandir to which Section 307 IPC was added later on.
3. Learned counsel contends that earlier the petitioner had been granted bail along with other co-accused vide order dated 19.10.2020 by the learned trial Court but on addition of offence under Section 307 IPC, bail granted to the petitioner and co-accused was cancelled and although subsequently co-accused have been released on bail but the petitioner has been denied bail on account of injury attributed to him i.e. blow with iron rod on the head of the son of the complainant has been declared to be

dangerous to life. Learned counsel further contends that the petitioner is in custody since 09.03.2021, the complainant's son Ravi @ Ravinder had attempted to outrage the modesty of Neelam, wife of Kamaljeet, sister-in-law of the petitioner, in respect of which FIR No.52 dated 05.06.2020, under Sections 323, 354, 506, 120-B of IPC, was registered at Police Station Women Police Station, Panchkula against them. Thereupon, the complainant and his family attacked the petitioner's family as a result of which, the petitioner's family registered FIR No.215 dated 06.07.2020 under Sections 148, 149, 323, 452, 506 IPC at Police Station Chandimandir against the complainant's family. Learned counsel contends that although the complainant's side attacked the petitioner's family on 15.08.2020 yet they registered a false FIR No.275 dated 16.08.2020 under Sections 148, 149, 323, 325, 452, 506 IPC, Section 307 IPC added later on, at Police Station Chandimandir against the petitioner and his family members of having caused injuries. Learned counsel also contends that all the remaining co-accused have been granted bail and the petitioner was also initially on bail but on addition of Section 307 IPC bail granted to him was cancelled and prayer for grant of bail was rejected by the learned trial Court on the allegation of having inflicted injuries on the complainant's son which was declared to be dangerous to life. Learned counsel contends that challan stands presented, charges are yet to be framed, petitioner is in custody since

09.03.2021, and list of 18 witnesses have been given, accordingly, trial would take long time to conclude therefore, no useful purpose would be served by keeping the petitioner in custody. Learned counsel has further relied upon the decision of a Coordinate Bench of this Court in CRM-M-44063 of 2013 titled as **Karamvir vs. State of Haryana**, decided on 11.03.2021. The relevant extract of the same is reproduced as under:

“From the record, I find that firstly it is a case of version and cross version. It is also stated that persons, from the petitioner's side, also received injuries. Though, the petitioner is stated to be the main accused but he was not armed with any deadly weapon. He was simply armed with 'danda' and inflicted 'danda' blow on the head of Sajjan Kumar, which injury has been declared as dangerous to life. The petitioner has also received injury. It is still to be determined by the trial Court as to who is the aggressor party. The petitioner is in custody since 04.09.2013. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the disposal of the case.”

4. Learned DAG, Haryana, on instructions from ASI Vinod, contends that the petitioner is not entitled to bail because the injury attributed to him on the head of son of the complainant was declared to be dangerous to life.

5. Per contra, learned counsel for the petitioner contends that the complainant's son has fully recovered and been discharged from hospital. The same is not disputed by the learned DAG, Haryana.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, FIR No.52 dated 05.06.2020, under Sections 323, 354, 506, 120-B of IPC, has been got registered by Neelam wife of Kamaljeet, brother of the petitioner, against the complainant's son Ravi alias Ravinder, on account of his having made an attempt to outrage her modesty, thereafter, on account of complainant's family attacking the petitioner's family, FIR 215 dated 06.07.2020 under Sections 148, 149, 323, 452, 506 IPC, was registered at Police Station Chandimandir. It is in the aforementioned background that FIR No.275 dated 16.08.2020 was registered by the complainant on account of attack by the petitioner's family. No doubt, the injury on the head of the complainant's son attributed to the petitioner was declared to be dangerous to life but the complainant's son has fully recovered and been discharged from hospital, there are a number of cases *inter se* the parties, list of 18 witnesses have been given, charges are yet to be framed, therefore, trial would take considerable period of time to conclude.

8. In view of two FIR's having been registered against the complainant and complainant's son etc. prior in time to the registration of the instant FIR and it being a debatable issue as to whether it was the petitioner's family which had attacked the complainant's family or the complainant's family had attacked and the injuries attributed to the petitioner was result of free fight or in self defence are yet to be determined, therefore, I am of the considered view that no useful purpose

would be served by keeping the petitioner behind bars.

9. Accordingly, present petition is allowed. Petitioner-Jasbir Singh is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. It is further made clear that in case the petitioner is involved in any other case during the period while he is on bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

20.07.2021

'Rajesh'

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.