

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

**CRM-M No.25306 of 2021
Date of Decision:-25.08.2021**

Rajpal

.....Petitioner.

Versus

State of Haryana

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. S.K. Rana, Advocate
for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana.

MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of regular bail in the criminal case pertaining to the FIR bearing No.770 dated 06.12.2020 registered at Police Station City Karnal, District Karnal, under Sections 148, 149, 323, 325, 307 and 506 IPC, with the allegations that he as well as his co-accused, caused injuries to Nathi Ram with bricks, iron rod, Gandasi and Danda etc.

Status-report, filed on behalf of the respondent-State by way of the affidavit of Deputy Superintendent of Police, Karnal, is already available on the file and the same is taken on the record.

Mr. Virender Kumar, Advocate, has also joined the proceedings on behalf of the complainant in this case and has forwarded his

memo of appearance to this Court through *e-mail* and the same is also taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner did not cause any injury to the above-named injured and rather, when the injured, along-with some more persons, had come to demolish their house, a brick had fallen on his chest resulting into the injuries on his person and thus, the complainant party was the aggressor and moreover, no offence under Section 307 IPC is made out in this case as no document has been placed on the record to this effect and in these circumstances, the petitioner deserves the relief as sought in the instant petition.

Per contra, learned State counsel (assisted by learned counsel for the complainant) argues that the injury suffered by the afore-named injured has already been declared to be dangerous to life and the same had been caused by the petitioner and in view of the gravity of the offence committed by him (petitioner), this petition be dismissed.

The contentions as raised by learned counsel for the petitioner qua the injury on the chest of the injured having been caused by the fall of a brick and regarding the complainant party being aggressor, can and shall be looked into and adjudicated by the trial Court at the appropriate stage after appreciating and evaluating the evidence as may be led on the record during the course of the trial. So far as the contention regarding the offence

under Section 307 IPC having not been made out in this case is concerned, it is worth-while to mention here that in para 7 of the status-report, it has categorically been mentioned that the injury on the chest of the injured has been declared to be dangerous to life and as mentioned in para 2 therein, the petitioner had allegedly picked up a brick and had given a blow thereof on the chest of the injured. Thus, the injury attracting the offence under the above-said provision is specifically attributed to the petitioner.

Moreover, learned State counsel apprises the Court that the charges have not yet been framed in this case meaning thereby that the complainant and the injured are yet to be examined as witnesses before the trial Court.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of regular bail.

Resultantly, the petition in hand stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

August 25, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*