

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29643-2021 (O&M)
Date of Decision:-14.9.2021

Sandeep @ Bora

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Devender Singh.

Mr. Sunil Sihag, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.326 dated 19.12.2020 at Police Station Nangal Chaudhary, District Mohindergarh under Sections 147, 148, 149, 323, 341 and 506 of Indian Penal Code, wherein offences under Sections 325 and 307 IPC were added later on.
2. The FIR in question was lodged at the instance of Sharmila Devi wherein it is alleged that on 14.12.2020 she had accompanied her husband for going to fields. On the way back, when her husband and her son were going on

motorcycle, a bolero camper vehicle hit against their bike and on account of which her husband fell down and the persons sitting in Bolero alighted from that vehicle who were all carrying 'iron rods' and 'sariya' etc. It is alleged that Krishan who was carrying an 'iron rod' gave a blow with the same on the head of complainant's husband hitting on the helmet and on account of which he fell down. Krishan is alleged to have given another blow hitting the chest of the complainant's husband. Thereafter Mintu s/o Ami Lal gave a blow with iron rod on the hand of complainant's husband and also on his chest. Ajay and Sandeep who were carrying 'iron pipes and rods' gave injuries to complainant's husband on his feet. Another two unidentified persons were also there and they all gave beatings to complainant's husband with the help of their weapons and also gave kick blows. When the complainant rushed forward to rescue her husband she was thrown aside. Upon alarm being raised, some persons came at the spot and thereafter the accused ran away from the spot.

3. Learned counsel for the petitioner submits that in the instant case the FIR was initially lodged for offences under Sections 147, 148, 149, 323, 341 and 506 of Indian Penal Code and that the petitioner had been ordered to be released on bail by the Trial Court. However, subsequently upon addition of offences under Sections 325 and 307 IPC, the petitioner was arrested on 28.2.2021. Learned counsel for the petitioner submits that during the period of approximately 2 months when he remained on bail, there is nothing on record to suggest that he had ever misused the concession of bail and that since as of now he has been behind bars for the last about 6 months and challan stands presented, he deserves to be released on regular bail.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner is specifically named in the FIR and the medical evidence also substantiates that the injured had received as many as 5 injuries including fracture, no case for grant of bail is made out. Learned State counsel has informed that the petitioner had earlier been involved in one case, wherein he stands acquitted.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars since the last about 6 months and is presently not involved in any other case and while also bearing in mind that conclusion of trial is likely to consume time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No