

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

**CRM-M-32316-2021
Date of Decision : 15.11.2021**

Vikash @ Vicky	Versus	 Petitioner
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

DEEPAK SIBAL (Oral)

Copies of depositions made by PW1 Ashish and PW2 Ameen before the trial court, filed by the State in Court today, are ordered to be taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.46 dated 22.01.2021 registered under Sections 323, 34, 506 of the IPC (Section 307 IPC added later on) at Police Station Meham, District Rohtak.

The petitioner is being prosecuted for having caused an injury on the complainant's brother's head which injury has been declared dangerous to life.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on account of previous enmity between the parties as in the year 2016 the complainant party had murdered

the petitioner's grand father namely Kabul; the petitioner is not involved in any other criminal case; the petitioner is in custody since 27.01.2021; the investigation in this case is complete; rather, the complainant and the injured already stand examined before the trial Court the complainant in his cross-examination has stated that when he was taking his injured brother for treatment, since his brother was unconscious he did not disclose anything to the complainant and that the complainant was not present at the spot when his brother received injuries; thus, the complainant had got lodged a false FIR; the injured-Ameen has also stated in his cross-examination that the petitioner and co-accused Ram Avtar inflicted injuries upon him while he was facing a wall and urinating and, therefore, he was unable to say as to who out of two accused attacked him first and that which of the injuries were given by which of the accused; thus, it is impossible to hold that the injury which has been declared to be dangerous to life was inflicted by the petitioner and that since 16 prosecution witnesses still remain to be examined before the trial court, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused have attempted to murder Ameen.

The afore submissions made in the petitioner's defence would be considered during the course of the petitioner's trial. However, the petitioner is in custody since 27.01.2021; the complainant and the only injured person already stand examined before the trial court and since 16 prosecution witnesses still remain to be examined, the trial is likely to take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.11.2021
mamta

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No