

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

CRM-M-33172-2021 (O&M)

Date of Decision:- 30.11.2021

Lal Mohd. @ Lallu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satish Chaudhary, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Sunil.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.330 dated 23.10.2020 at Police Station Hathin, District Palwal, under Sections 148/149/323/324/506 IPC (Section 307 IPC added later on).
2. The FIR in question was lodged at the instance of Junaid, wherein it is alleged that when he alongwith other members of the family were present in their fields, Tauhid and Istak caught hold of his father Ajmat, while Rafik gave a blow with knife on his father's leg, Jan

Mohammad is stated to have given a blow with rod on the leg of Ajmat. It is alleged that accused Memuna and Irfan caught hold of his brother Sakir while Lallu gave blow with 'lathi' on his head.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still the petitioner is attributed a single injury with the help of a stick on the head of Sakir which has been found to be a simple injury and that the injury attracting the rigors of Section 307 IPC is attributed to Rafik which he had inflicted to Ajmat with the help of a knife. Learned counsel has further submitted that since co-accused Irfan had already been granted bail by this Court vide order dated 12.10.2021, the petitioner deserves bail on the grounds of parity as well.
4. Opposing the petition, learned State counsel has submitted that since the petitioner along with co-accused had gone together and had caused several injuries to Ajmat and Sakir including an injury on the person of Ajmat which has been opined to be dangerous to life, the petitioner cannot escape from his liability and in any case can be held vicariously liable. It has also been submitted that the petitioner had also inflicted an injury on the vital part of Sakir with a stick i.e. on his head and as such he does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 6 months and happens to be involved in one more case for offence under Section 325 IPC. It has been informed that although 23 witnesses have been cited but none has been examined so far as charges are yet to be framed.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is attributed one simple injury on the head of Sakir and that the injury in respect of which Section 307 IPC would be attracted is attributed to co-accused. In any case without commenting anything on merits of the case, this Court cannot overlook the fact that the petitioner has been behind bars for a substantial period of about 6 months. The trial is not likely to be concluded in immediate future inasmuch as the same has not even commenced so far and as many as 23 PWs have been cited. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No