

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

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(Proceedings conducted through video Conference)

CRM-M-34360-2020 (O&M)

Date of decision: 11.01.2021

Rohtash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Amit Aggarwal, DAG, Haryana.
Mr. Navmohit Singh, Advocate for the complainant.

REKHA MITTAL, J. (Oral)

Rohtash, accused in FIR No.106 dated 02.04.2020 registered at Police Station Bhuna, District Fatehabad for offence punishable under Sections 148, 149, 188, 294, 323, 452, 506 and 307 of the Indian Penal Code prays for grant of bail, pending trial.

Counsel for the petitioner would contend that as per version of the injured/complainant and his mother, petitioner gave a rod blow on head of the complainant in a fight that took place on 01.04.2020. It is further argued that as per medico legal report of the injured prepared in Civil Hospital, Jhajjar where the complainant and his mother are working, there is one injury in the form of reddish abrasion at the back of head and throat area and the other two injuries are complaint of pain. The complainant was referred to Maharaja Agrasen Medical College, Agroha (Hisar) and a report was made by doctor there that no external injury is visible on head and neck. Later, the complainant was shifted to Sarvodya Hospital and on the basis of NCCT head, it was reported that he had fracture right temporal bone and fronto parietal bone. It is further argued that complainant was discharged from Sarvodya Hospital on 08.04.2020 and thereafter he was never admitted to any hospital for treatment of injury(s). The last submission made by counsel is that this Court made an order for examination of the complainant on 25.11.2020 but the same could not be completed as an application under Section 319 of the Code of Criminal Procedure (in short 'Cr.P.C.') was filed for summoning an additional accused and the same is still pending for consideration of the Court. In addition, it is argued that the petitioner is ready to face proceedings in accordance with law when otherwise conclusion of trial is likely to take its own time.

Counsel for State assisted by counsel for the complainant has seriously opposed the application for grant of bail with the submission that the petitioner caused injury resulting in fracture right temporal bone and fronto parietal bone. It is further argued that the complainant is still under medication and he would be requiring to take medicine throughout his life. He would pray that pending conclusion of cross examination of the complainant, petitioner does not deserve to be enlarged on bail.

I have heard counsel for the parties, perused the paper book particularly various documents annexed with the petition and received online and placed on record.

On completion of investigation, challan was presented in the Court. In pursuance of directions issued by this Court vide order dated 25.11.2020, charge was framed and complainant was partly examined. Before his statement could be concluded, an application was filed for summoning additional accused, as such, the matter is pending consideration of the trial Court qua application under Section 319 Cr.P.C. In the given scenario, conclusion of statement of the complainant may take some time. The injured was discharged from the hospital on 08.04.2020 in respect of injuries sustained on 01.04.2020. There is no other criminal case registered against the petitioner. There is no allegation that petitioner is likely to abscond or keep himself away from process of trial in case enlarged on bail.

Without commenting upon merits of the case, bail to the petitioner subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

11.01.2021

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No