

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

CRM-M-40335-2021 (O&M)

Date of Decision:- 30.9.2021

Surender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Dinarpur, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Mahender Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.251, dated 25.6.2021, Police Station Kurukshetra University, Kurukshetra, under Sections 148, 149, 308, 323, 324, 506 IPC (Section 325 IPC added later on).
2. The FIR in question was lodged at the instance of Rajkishan wherein it is alleged that on 24.6.2021 at about 6 pm, when he along with his son Ram Pal and a friend of his son namely Sahil and Ajay were going on a tractor towards the fields where his father was already present and while they were loading '*TURI*', then Joginder, Rahul, Rajkumar, Jaswant accompanied by 7-8 other persons who were carrying sticks, *gandasis*, spear and iron pipes came there all of a sudden and attacked them. It is alleged that Joginder inflicted a blow with spear on complainant's head. Rahul is alleged to have given

a blow with 'gandasi' on complainant's head. Jaswant Singh is stated to have given a blow with 'iron pipe' which the complainant warded off with his hands as a result of which his left hand was injured. When Ram Pal, Ajay and Sahil tried to rescue him, then Joginder, Rahul, Jaswant and Rajkumar and 7-8 other persons caused injuries to them as well with the help of sticks and iron pipes carried by them. When the complainant's father came to the spot after hearing the noise, the said persons caused injuries to him as well.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused subsequently on the basis of disclosure statements allegedly made by co-accused Joginder and Sachin and that even as per the said disclosure statements he is not stated to have participated in the occurrence at the spot but is alleged to have conspired with the remaining accused. Learned counsel has further submitted that in fact it is a case of cross-version wherein FIR No.252, dated 25.6.2021, Police Station Kurukshetra University, Kurukshetra, under Sections 148, 149, 323, 324 and 506 IPC (Annexure P-3) was also lodged against the other party. It has been submitted that 4 persons from the side of accused were also injured.
4. Opposing the petition, learned State counsel has informed that co-accused Joginder and Sachin, in their disclosure statements have stated that the vehicle used by the accused for reaching at the spot was provided by the petitioner and that even the weapons were provided by the petitioner.

5. Learned State counsel has also informed that in the occurrence in question as many as 4 persons from the side of complainant were injured. It is alleged that while Banty had sustained 4 injuries, Ajay sustained 3 injuries including one fracture on arm, Mangat Ram sustained 3 injuries and Rajkishan sustained 4 injuries including a fracture on finger and also on his head. Learned State counsel has informed that the petitioner happens to be involved in one more case for offences under Sections 323 and 324 IPC wherein he has been convicted.
6. I have considered rival submissions addressed before this Court.
7. Without making any elaborate expression on merits of the case and while noticing that the petitioner is not named in the FIR and has been nominated on the basis of disclosure statements wherein he is alleged to have provided the vehicle and weapons to the accused and while also noticing that it is a case of cross-versions wherein it is yet to be established as to which party is aggressor, this Court find that it is a fit case for grant of regular bail. 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.

30.9.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No