

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

CRM-M-42491-2021 (O&M)
Date of Decision:-14.10.2021

Gaurav ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Vijay Lakshmi, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.251 dated 25.6.2021 at Police Station KUK, Kurukshetra under Sections 148, 149, 308, 323, 324 and 506 of Indian Penal Code.
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 'toori', 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 the petitioner is nowhere named in the FIR and has been nominated subsequently on the basis of disclosure statement made by co-accused Surender and that such like disclosure statement can hardly carry any evidentiary value. It has further been submitted that infact it is a case of cross-versions, wherein FIR No.252, dated 25.6.2021, Police Station Kurukshetra University, Kurukshetra, under Sections 148, 149, 323, 324 and 506 IPC was also lodged against the opposite party and that as many as 4 persons from the side of accused in the instant case, have been injured.
4. Learned counsel for the petitioner has further submitted that it is infact a dispute between the brothers i.e. the complainant Rajkishan and his brother Joginder (accused). It has also been submitted that identically situated co-accused Surender, who was also nominated on the basis of a disclosure statement, has already been granted bail.
5. Opposing the petition, learned State counsel has submitted that although the petitioner is not named in the FIR but a co-accused Surender has specifically

named him in his disclosure statement and it has specifically been alleged that the petitioner had caused injuries to injured Bunty and Ajay with the help of a stick, which has been recovered at the instance of the petitioner. It has also been informed by learned State counsel that as many as 4 persons from the side of complainant were injured and that while Bunty had sustained 4 injuries, Ajay sustained 3 injuries including a fracture on his arm, Mangat sustained 3 injuries and Rajkishan sustained 4 injuries. It has, however, been informed that the grievous injury is not attributed to the petitioner. Learned State counsel has also informed that the petitioner happens to be involved in two other cases for offences under Sections 323, 324 and 354-A IPC etc. It has been informed that the petitioner as on date has been behind bars since the last about 2 months.

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 statement 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 finds 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.

14.10.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge