

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

CRM-M-49246-2021 (O&M)
Date of Decision:-29.11.2021

Kuldeep @ Kuli

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.254 dated 7.5.2021 at Police Station Samalkha, District Panipat, Haryana under Sections 148, 149, 323, 341, 325, 326, 506, 34 and 195-A of Indian Penal Code.
2. The FIR was lodged at the instance of Mahender Singh, wherein he has alleged that on 4.5.2021 at about 6:30 a.m. when he had gone for a walk, he was waylaid by 4-5 boys, who came in a Maruti Car. One of the boys namely Sushil Kumar @ Babar said that the petitioner is the same person and that he be kidnapped and put in the vehicle. Upon saying so Sushil Kumar @ Babar attacked the complainant with a sharp edged weapon. When the complainant

raised his hand to ward off the said blow, he sustained a cut on his hand. It is further alleged that the remaining friends of Sushil Kumar @ Babar attacked him with iron rod and pipes and they kept on beating him till he became unconscious. It has also been stated therein that while beating, they were telling the complainant to withdraw the cases, which he had filed against Sushil Kumar @ Babar and not to depose in the said cases, failing which his child would be killed.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated on the basis of a disclosure statement allegedly made by Sushil Kumar @ Babar, which cannot be said to be sufficient to establish the guilt of the petitioner or to establish his participation in the alleged occurrence. It has further been submitted that, in any case, the grievous injury caused with the help of a sharp edged weapon is attributed to co-accused Sushil Kumar @ Babar and that although the remaining two injuries are also opined to be grievous but have been caused on non-vital parts with the help of some blunt edged weapon.
4. Opposing the petition, learned State counsel has submitted that since the main accused Sushil Kumar @ Babar has specifically named the petitioner to be accompanying him at the time when complainant was assaulted, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been bars since the last about 6 months and happens to be involved in one more case registered for offence under Section 307 IPC. It has been informed that while challan has been presented, the charges are yet to be framed and as many as 11 PWs have been cited.
5. I have considered rival submissions addressed before this Court.

6. It is the co-accused Sushil Kumar @ Babar, who was carrying a sharp edged weapon and who is specifically attributed an injury on the hand of the complainant, which has been opined to be a grievous injury. Although, as per FIR there were 4-5 boys and other than Sushil Kumar @ Babar, who were all carrying iron rods and pipes but the MLR reflects that only 3 injuries in all were sustained by the complainant including the injury specifically attributed to Sushil Kumar @ Babar. None of the injury is on any vital part. The injuries other than the injury attributed to Sushil Kumar @ Babar are stated to have been caused with some blunt edged weapon. The petitioner, in any case, has been behind bars since the last about 6 months. Conclusion of trial is likely to consume time as the trial has not even commenced till date, in these circumstances, further detention of the petitioner would not serve any useful purpose. 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.

29.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No