

**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 49467 of 2021 (O&M)**  
**Date of Decision: 10.12.2021**

Rajesh Kumar alias Jassi

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Namit Khurana, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Inderjeet Singh, Advocate  
for the complainant.

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**SURESHWAR THAKUR, J. (ORAL)**

1. FIR bearing No. 196 of 10.7.2021, constituting therein offences embodied under Sections 148, 149, 323, 379-B, 325, 120-B and 506 IPC, is registered against the petitioner-bail applicant at Police Station Chhappar, District Yamuna Nagar.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration for almost four months.

3. Learned Assistant Advocate General, Haryana submits, that all the investigations into the FIR(supra), are complete, and, that the victim-informant, though is stated to be discharged from the hospital, yet he has become partially disabled. Nonetheless, it is stated by the learned State counsel, that, otherwise the victim-informant is mentally fit.

4. Learned counsel for the victim-informant vehemently, opposes the grant of bail to the bail applicant-petitioner, and, his argument is rested

upon the factum that in case, he is released on bail, there is every likelihood of his being fleeing from justice, and, tampering with the prosecution evidence. However, the afore made prayer is not supported by any documentary evidence, comprised in, any of the prosecution witnesses rather accessing the investigating officer concerned, and, disclosing to him that the bail applicant, through his relatives, ever meted threats to each of them, against theirs deposing against the bail applicant-petitioner.

5. Even though, disabling injuries have been inflicted, upon the person of the victim, yet the afore factum would not constrain this Court to not admit the bail applicant-petitioner on bail, as compensatory remedies, qua therewith, both through institution of a suit, by the aggrieved, against the accused vis-a-vis, his committing the tort of assault and battery, and, besides, even upon a verdict of conviction being pronounced, upon the accused, rather the informant asking for compensation being disbursed to him, are yet available to be recoured rather for mitigating the trauma of disabling injuries, if any, as are alleged to be inflicted, upon, the person of the victim-informant, by the accused.

6. Therefore, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance.

7. However, in case the bail applicant-petitioner, abuses the facility of bail, granted to him by this Court, thereupon the investigating officer concerned shall make a motion before this Court, for cancelling the facility of bail, as is granted to the petitioner, through the order made today by this Court.

8. Copy dasti.

**(SURESHWAR THAKUR)**  
**JUDGE**

**December 10, 2021**  
**Gurpreet**

**Whether speaking/reasoned : Yes**  
**Whether reportable : Yes/No**