

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

219

CRM-M-50513-2021

Date of Decision: 07.12.2021

Rahul @ Madi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vijay Dahiya, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Satbir.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.37 dated 06.02.2021 at Police Station Sadar Gohana, District Sonapat under Sections 148, 149, 323, 324 of Indian Penal Code, 1860, wherein offence under Section 307 IPC came to be added lateron.
2. The FIR was lodged at the instance of Robin, wherein it is alleged that on 05.02.2021 when he was proceeding towards his home, then Rohit and Mohit were found standing near his house and were hurling abuses. Even Kalu and Madi were abusing him. When the complainant's father Rajesh asked them to refrain from doing so, they scuffled with his father. Later the said persons were sent away with the intervention of villagers. It is alleged that Rohit, Mohit, their father Ramniwas, Kalu and Madi, however, came back at about 10:00 p.m. and again started hurling abuses while standing outside their house. When the complainant, his brother

- Saurabh and his father Rajesh went outside, the said persons attacked them with the help of knives and sticks. Rohit is alleged to have inflicted several blows with knife to the complainant on his waist, fingers of left hand and on his left thigh. Mohit is stated to have inflicted blows with knife to complainant's brother Saurabh. Ramniwas is also alleged to have given blows with knife to complainant's father Rajesh. Kalu and Madi, who were stated to be carrying sticks, are also alleged to have inflicted blows with the same to the complainant and others.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, even as per the FIR, the petitioner is not attributed any grievous injury and is alleged to be merely carrying a stick. It has been submitted that initially the petitioner was released on bail vide order dated 22.03.2021 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Gohana but subsequently upon addition of offence under Section 307 IPC, he was re-arrested on 13.04.2021 and has been in custody since then. Learned counsel has submitted that, in any case, since the weapon i.e. the stick in question already stands recovered, no useful purpose would be served by detaining the petitioner behind bars any longer, particularly, when he has a clean record.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named in the FIR and was accompanying the other accused namely Rohit, Mohit and Ramniwas, who had inflicted multiple injuries with knives attracting provisions of Section 307 IPC, no case for grant of bail is made out. Learned State counsel has further

submitted that the mere fact that the petitioner was initially released on bail would be of no consequence since the opinion of the doctor regarding nature of injuries is normally not received on the very day when the FIR was lodged and it is only when the said opinion was received, that offence under Section 307 IPC came to be added subsequently. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 7 ½ months and is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was armed with a stick, whereas it is the co-accused Rohit, Mohit and Ramniwas, who were armed with knives and have been inflicted injuries with the same. The petitioner, in any case, has been behind bars for a substantial period of about 7 ½ months and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will 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.

07.12.2021

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**