

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

CRM-M-2339-2022 (O&M)
Date of Decision:-17.2.2022

Ram Niwas ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ESI Sandeep.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.37 dated 6.2.2021 at Police Station Sadar Gohana, District Sonipat under Sections 148, 149, 323, 324 IPC, 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 5.2.2021 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 Ram Niwas (petitioner), Kalu and Madi, however, came back at about 10 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. Ram Niwas 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 submits that in the instant case the FIR had initially been registered for offences under Sections 148, 149, 323 and 324 of Indian Penal Code, wherein the petitioner had been granted bail by the Trial Court vide order dated 15.2.2021. However, subsequently upon receipt of medical opinion as regards the injury being dangerous to life, offence under Section 307 IPC came to be added and the petitioner was arrested on 26.3.2021.
4. Learned counsel for the petitioner has further submitted that although in the FIR it is alleged that the petitioner was carrying a knife but during the course of investigation it has surfaced that the petitioner was carrying a wooden stick and that it is the co-accused Mohit, who was carrying a knife and is attributed an injury with the same. Learned counsel submitted that another co-accused namely Rohit has already been ordered to be released on bail by this Court vide order dated 17.12.2021 (Annexure P-8) after addition of offence under Section 307 IPC.

5. Opposing the petition, learned State counsel has submitted that in view of serious nature of offences, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that during the course of investigation, it has surfaced that the petitioner was not carrying a knife but was carrying a wooden stick and that the knife injury attracting the rigors of Section 307 IPC is attributed to co-accused Mohit. It has also been informed that the petitioner as on date has been behind bars since the last about 11 months after addition of offence under Section 307 IPC. It has also been informed that the petitioner is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the petitioner has been found to be carrying a wooden stick only and that it is the co-accused, who is attributed the injury attracting rigors of Section 307 IPC and also that the petitioner has been behind bars for a substantial period of 11 months after addition of offence under Section 307 IPC, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time. 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.

17.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No