

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

CRM-M-1314 of 2022

Date of decision: 18.01.2022

Raj Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Kajal Saini, Advocate with
Mr. Deepanshu Mehta, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.118 dated 16.5.2021, under Sections 323, 506 read with Section 34 IPC (Section 307 IPC added later) registered at Police Station Nigdhu, Karnal.

Brief facts are that on 16.5.2021 information was received by the police regarding admission of injured Pardeep. Statement of father of Pardeep was recorded. He stated that his son was working in Public Health Centre, Village Sambali. On 15.5.2021 his son went to the Health Center at about 1:00 P.M. his son was left at his house by the persons of Bajigar Dera Jeeta Ram after inflicting severe injuries.

Learned counsel for the petitioner submits that it is a case of false implication. Co-accused Bagga Ram had lodged FIR No.117 dated 16.5.2021 against the son of the complainant. He further relies upon the contents of MLR annexed with the petition, which reads as under:

Gist of incident as stated by injured/accompanying person	
Gist of incident	Alleged H/o RSA Near Sambali, Karnal
General Conditions	Unconscious head injury vital stable alcohol smell present in breathe.

It is further argued that the petitioner is in custody since 21.6.2021, investigation is complete and no recovery is to be made. The contention is that the co-accused has been granted regular bail.

Learned Sate counsel opposes the prayer for grant of bail and submits that Section 307 IPC was invoked on the basis of opinion of the Doctor that injury is dangerous to life.

Without commenting upon the merits of the case or making comments on the contents of the MLR, considering that there is back drop to the alleged incident and the fact that challan stands presented and conclusion of trial is likely to take time and co-accused has been granted bail, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]

JUDGE

18th January, 2022

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1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No