

203 (2 cases)

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

(1)

**CRM-M No. 1308 of 2022
Date of Decision: 06.04.2022**

Naresh

..... Petitioner

Versus

State of Haryana

..... Respondent

AND

(2)

CRM-M No. 1657 of 2022

Pinna Rajput @ Akash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajesh Khandelwal, Advocate,
for the petitioner (in CRM-M-1308-2022)

Mr. Satbir Singh Kanwar, Advocate,
for the petitioner (in CRM-M-1657-2022)

Mr. Tanuj Sharma, Assistant Advocate General, Haryana
assisted by ASI Gurpreet Singh.

Mr. Vikas Bishnoi, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. This order shall dispose of the present two petitions, seeking grant of regular bail to the petitioner(s), as both, arise from a common FIR No. 443 of 30.10.2021, registered against the present bail applicant(s) - petitioner(s), at Police Station Agroha, Hisar, constituting therein offences, under Sections 324, 34, 506 of the IPC, and, under Section 3 of the SC & ST Act, 1989 (Section 307 of the IPC, 1860 added subsequently).

2. Both the bail applicants-petitioners, namely, Naresh, and, Pinna Rajput @ Akash, are stated to be suffering judicial incarceration since 16.11.2021.

3. Both the bail applicant(s) – petitioner(s) are alleged to commit the offences (supra), as, constituted in the FIR (supra). The incriminatory role, as, assigned to the present bail petitioners, is that, theirs alongwith co-accused making a life endangering assault on the person(s) of the victim. The assault, as, made upon the victim, was made through user of a knife. Multiple knife stabbings, are alleged to be made by the accused, on the person of the victim, resulting in the victim, becoming admitted in hospital.

4. The learned State Counsel, on instructions, meted to him, by ASI Gurpreet Singh, submits that all the relevant recoveries have been made, at the instance of the bail petitioners, to the Investigating Officer (IO) concerned. He further submits that after the filing of the report under Section 173 of the Cr.P.C., before the learned Magistrate concerned, hence, the relevant charges have been drawn against the accused.

5. However, the learned counsel for the complainant – victim, has contended with much vigour, before this Court, that given the multiple stab wounds inflicted on the person(s) of the victim by the accused, rather resulting in his physical and mental condition, becoming completely deteriorated. Therefore, he contends that until and unless the mental and physical condition of the victim is fully recuperated, thereupto, this Court may not grant the indulgence of bail to the present bail petitioners.

6. In respect of the validity of the afore submission, this Court, on 10.03.2022, had made the hereinafter extracted directions, upon, the learned

State Counsel.

“ 1. Since the learned State counsel submits that, though the complainant-victim was discharged from the hospital, yet he also submits that he has been re-admitted in the hospital, in sequel to the injuries suffered by him in consequence to his becoming allegedly assaulted by the petitioner(s).

2. If so, in respect of the above, a detailed status report, be ensured to be instituted within two weeks in the Registry of this Court. It is clarified that the status report shall detail that whether the re-admission of the complainant-victim in the hospital, was a sequel to his becoming assaulted by the petitioner, in respect whereof FIR No. 443 of 30.10.2021 has been registered at Police Station Agroha, Hisar.

3. List on 06.4.2022.

4. A photocopy of this order be placed on the file of other connected case. ”

7. In compliance of the afore order, the learned State Counsel has placed on record a report, Annexure R-1, appended with status report of 30.03.2022, wherein it has been communicated that the patient – victim became discharged in a stable condition on 07.11.2021. Moreover, it is also communicated therein, that there was no re-admission of the patient concerned, in the hospital for his taking recuperative treatment qua the stab wounds, as, became made on his person, at the instance of the accused. Therefore, in pursuance of the assault made by the accused upon the person of the victim, the injuries entailed upon his person, apparently have not resulted in the completest deterioration of the physical, and, mental condition of the victim, rather it appears that the relevant recuperation has occurred.

8. In view of the above, and, also keeping in view the fact, that the petitioners are in custody since 16.11.2021, therefore, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the

petitioners. Contrarily, it is deemed appropriate to admit to bail, the bail
petitioners.

9. Consequently, the instant petitions are allowed, and the bail
applicants – petitioners are ordered to be released from judicial custody, on
their 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 their not tampering with prosecution
evidence, and/or not influencing prosecution witnesses, and, also their
appearing before the trial Court concerned, as and when they are required to
be making their personal appearances unless validly exempted.

April 06, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>