

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

214

CRM-M-5839 of 2021 (O&M)

DECIDED ON:28th July, 2022

Amarjeet

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Sushil Jain, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Piyush Aggarwal, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No. 150 dated 29.5.2020, under Sections 323, 325, 341, 365, 307, 506 read with Section 34 IPC, registered at Police Station Jhajjar, District Jhajjar.

FIR was registered at the instance of Vikas @ Manjeet. As per the allegations on 28.5.2020 when the complainant reached near Chaupal, Dharamjeet, Amarjeet (petitioner) and Harjeet were standing armed with danda and rod. Dharamjeet inflicted a rod blow on the head of the complainant. Harjeet gave a blow on his left leg. Hearing the noise, Narender came there. All the three accused caused injuries to the brother of the complainant and forcibly put him up in the vehicle and took him elsewhere.

Learned Senior counsel appearing for petitioner submits that the complainant and accused are relatives from both maternal and paternal side. It is argued that the present FIR is a counter blast to FIR No.264 dated 2.9.2019 which was got registered by the mother of the accused against the complainant party of the present FIR. The contention is that no specific injury

is attributed to the petitioner in the FIR. In supplementary statement made in July, 2022, it was alleged that the petitioner had caused a head injury to Narender. He further relies upon the fact that co-accused was granted anticipatory bail by this Court. His submission is that the petitioner is in custody since 29.5.2020 and there is no progress in the trial as none of the prosecution witnesses have been examined. He places reliance upon the reply dated 31.8.2021 filed by the State to contend that Narinder was admitted in the hospital with a previous history of falling from height.

Learned State counsel opposes the prayer. She relies upon the pleading of the short reply dated 24.9.2021 and submits that as per the medical opinion it cannot be ruled out that the injury inflicted to Narender was with a wooden danda.

Mr. Piyush Aggarwal, Advocate appears for complainant, though not impleaded as a party. He submits that Narender had sustained serious injury and he remained in *COMA* and till date is bed ridden. . He further submits that statement of Nambardar of village was recorded in which he stated that there is no such person in the village by name of Dharam Chand who got Narender admitted in hospital.

The observations made hereinafter are only for purpose of deciding bail petition and shall not be construed as an expression of opinion on the merits of the case.

In a supplementary statement made almost after one and half month petitioner was attributed the role that he inflicted injury to Narender. As per the medical opinion, injury of Narender could have been caused by wooden danda.

Petitioner is in custody for more than two years, trial is moving at a snail's pace, the petitioner is not involved in any other FIR, co -accused was granted anticipatory 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.

Since the main case has been decided, the pending application, if any is rendered infructuous.

28th July, 2022

reema

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*