

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11947-2022

Date of decision : 25.03.2022

Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manish Soni, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail pending trial to the petitioner in FIR no.97 dated 11.03.2021 registered under Sections 323, 307, 34 IPC at Police Station Sector 9A, District Gurugram.

Learned counsel for the petitioner has submitted that in the present case, only one injury has been caused to the injured and has submitted that as per the FIR and even as per the evidence of PW-8 Lokesh (injured), it is submitted that the said injury had been attributed to Chhote Lal and the only allegation levelled against the petitioner by said PW-8 Lokesh was that the petitioner had supported the said Chhote Lal. It has further been submitted that as per version of the complainant, it was Sandeep who had told the complainant about the alleged incident and said Sandeep has been examined as PW-9 and as per his statement, has thus,

the petitioner. It has also been submitted that as per the version mentioned in the MLR, it was stated that the injured had fallen from the stairs on 08.03.2021 after having consumed alcohol and that the petitioner has been in custody since 11.03.2021 and the challan has already been presented and the petitioner is not involved in any other case and thus, the petitioner is entitled to regular bail.

Learned State counsel on the other hand, has opposed the present petition for regular bail and has submitted that the complainant has suffered a fracture of frontal calvarium, however, the other facts have not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the evidence of the injured PW-8 Lokesh would show that the one injury, which has been suffered by him on his head, has been attributed to the co-accused Chhote Lal. The allegation as per the said evidence of PW-8 against the petitioner is that he had supported Chhote Lal. The FIR was registered by the complainant after receiving information from Sandeep and the said Sandeep had been examined as PW-9 and he had not levelled any allegation against the present petitioner Rahul and has been declared hostile qua Rahul. A perusal of the MLR would show that it had been stated that the patient had fallen from the stairs on 08.03.2021 after having consumed alcohol. The petitioner has been in custody since 11.03.2021. The petitioner is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned

trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 25, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No