

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

**CRM-M-11681-2022
Date of decision: 24.03.2022**

Vijay @ Foji

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 299 dated 20.10.2021, registered under Sections 323, 341, 506 and 34 of the IPC (Sections 325 and 307 IPC added later on) at Police Station Julana, District Jind.

Learned senior counsel for the petitioner submits that the FIR was registered at the instance of complainant Anil Kumar with the allegations that he and his brother Sunil are farmers and on 16.10.2021, his brother Sunil had gone to a hotel and the complainant received an information from Pradeep that Vijay, Deepak and Galu have blocked the way and assaulted his brother, who has been taken to a hospital. Thereafter, the complainant went to the hospital and the doctor referred the injured to PGIMS, Rohtak.

Learned senior counsel further submits that initially the FIR was registered under Sections 323, 341, 506 and 34 of the IPC and the petitioner was arrested on 24.11.2021 and was released on bail by the Illaqa Magistrate on 25.11.2021.

It is further submitted that later on, injury No. 4, which was a injury on the chest of the victim, was declared dangerous to life on calling an opinion from the doctor. The opinion given by the doctor states that according to CECT report and surgery opinion and in view of Perforative peritoneum, the said injury was declared dangerous to life.

Learned senior counsel further submits that the petitioner was re-arrested on 30.01.2022; investigation is complete and conclusion of trial is likely to take a long time.

It is further submitted that a bare perusal of the FIR as well as the subsequent statement of the victim, recorded after about 36 days, would reveal that it was a case of sudden fight without any motive from the petitioner's side and the statement of victim Sunil would also reveal that he had gone to the hotel, where an altercation took place between the petitioner and aforesaid three persons, who started giving beatings to petitioner with kicks and fist blows.

Learned senior counsel further submits that neither there was any motive nor the accused persons were armed with any weapon and it was only a case of sudden fight.

Learned State counsel, on the basis of the custody certificate filed today in Court, could not dispute the factual position as noticed above, however, it is submitted that since injury No. 4 was declared dangerous to life on an opinion given by the doctor, the petitioner was re-arrested.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

24.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No