

CRM-M-14042-2022

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14042-2022
Date of Decision: 01.12.2022

Sompal

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pardeep Chhoker, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Vaishali Thakur, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.98 dated 20.02.2021 under Sections 323, 506 & 34 of IPC, 1860 (Section 307 of IPC and Section 25 of Arms Act added later on) registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submitted that the petitioner is in custody from 10.12.2021 and the investigation of the case has been completed and thereafter now 2 witnesses including the complainant have been examined. He submitted that it is a case of version and cross-version. Earlier the present FIR was registered under Sections 323, 506 and 34 of IPC and thereafter Section 307 IPC was added. He submitted that the sister of the petitioner also suffered injuries at the time when the fight had taken place in a

marriage party due to dispute regarding some DJ and the sister of the petitioner also suffered injuries and a cross case was registered vide Annexure P-1 and in that also the police has presented challan. He submitted that in fact it is only at the time of trial that it can be ascertained as to who was the aggressor party and who had acted in defence. He submitted that at this stage now material witness has been examined, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand Mr. Surinder Kumar Dagar, DAG, Haryana has stated that it is correct that the petitioner is in custody from 10.12.2021 and it is a case of version and cross version where injuries were received by both the parties when the fight had taken place at a marriage party due to dispute regarding some DJ. He further submitted that it is also correct that in the cross case as well the police has presented challan but in that case Section 307 IPC has not been added. He further submitted that the petitioner is involved in one more case pertaining to Sections 323, 325, 452, 34 IPC.

Ms. Vaishali Thakur, Advocate has appeared on behalf of the complainant and has opposed the petition for grant of bail on the ground that the petitioner has caused injuries by way of knife which has severely damaged the stomach of the complainant.

I have heard the counsel for the parties.

The petitioner is in custody from 10.12.2021 and it is a case of a version and cross version where cross FIR has been registered which emanate from the fight which had taken place at a marriage party due to dispute pertaining to some DJ. As per learned counsel for the parties, the challan in the cross FIR has already been presented. In the present case as per learned

counsel for the parties two witnesses including the complainant have already been examined. It is yet to be determined at the time of trial who was the aggressor party in the fight which had taken place.

After hearing the learned counsel for the parties, this Court is of the view that in view of the aforesaid facts and circumstances the petitioner deserves the concession of regular bail.

Consequently, the petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

01.12.2022*neelam***(JASGURPREET SINGH PURI)****JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No