

(221) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19221-2022

Date of Decision: 01.12.2022

SUNIL

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.425 dated 12.11.2021 (Annexure P-1) registered under Sections 323, 325, 307, 506 IPC at Police Station Adampur, District Hisar, Haryana.

2. The brief facts of the case are that on 12.11.2021 telephonic information was received at Police Station Adampur that Kuldeep son of Rajender resident of Dhani Siswal is admitted in CHC Siswal due to injuries sustained in a fight and quarrel. The Investigating Officer reached CHC Siswal and obtained the MLR of injured Kuldeep son of Rajender, upon which the doctor stated that the injured was referred to MAMC Agroha for treatment. The Investigating Officer reached MAMC Agroha and moved an application for recording the statement of the injured, who declared the injured fit for statement and thereafter, the statement of the injured/complainant Kuldeep was recorded, in which it was alleged that on

12.11.2021, when he was irrigating his fields with the tube-well water, then Sunil son of Om Parkash and Om Parkash son of Lal Chand came there carrying an axe and *danda* in their hands and immediately Sunil (present petitioner) gave an axe blow on his left ankle and Om Parkash gave a *danda* blow on the head. Om Parkash and Sunil (present petitioner) also gave injuries on the other parts of the body. On raising an alarm, his mother i.e. Parvati and his wife along with other neighbours came to the spot upon which the accused persons ran away.

On the statement of the injured, *prima facie*, an offence under Section 323, 506, 34 IPC was registered. After obtaining opinion regarding the nature of injuries, it was found that injury No.1 was grievous in nature and injuries No.2, 3 and 4 were dangerous to life. In pursuance of the said opinion, Section 325/307 IPC was added in the case.

Om Parkash son of Lal Chand was declared innocent and the petitioner was declared to be the only accused. He was arrested and the recovery of an axe was effected from him.

3. The learned counsel for the petitioner contends that as per the FIR, the petitioner was attributed an injury on the foot and it was his father Om Parkash who had been attributed an injury on head. Subsequently, the statement of the injured was recorded, wherein the petitioner is stated to be the main accused. He contends that these conflicting versions falsify the prosecution case. Even otherwise, the injured has since been discharged from Hospital and has suffered no permanent disability and is carrying on his day-to-day activities normally. He contends that the petitioner is a first-time offender and is in custody since 08.01.2022. Only 01 prosecution witness has

been examined out of a total of 15 witnesses cited in the list of witnesses. Therefore, the trial of the present case is not likely to be concluded in the near future. He thus, prays that the petitioner ought to be granted the concession of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner is the only accused. The injury attracting Section 307 IPC has been attributed to him and therefore, he was not entitled to the grant of bail. He, however, does not deny the fact that the petitioner has clean antecedents, only 01 out of 15 prosecution witnesses has been examined and the injured has not suffered any permanent disability.

5. I have heard the learned counsel for both the parties.

6. It would be a matter of adjudication during Trial as to whether the injury attributed to the petitioner is in fact an injury which is dangerous to life. The injured was released from Hospital soon after the occurrence and has not suffered any permanent disability. The petitioner is a first-time offender and has been in custody since 08.01.2022. Only 01 out of the 15 prosecution witnesses has been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sunil son of Om Parkash is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in

writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

01.12.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No