

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

CRM-M-23768-2022

Date of Decision: 3rd August, 2022

Pardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. S.S. Mor, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.
Mr. Amit khatkar, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in case of FIR No. 28, dated 30th January, 2022, under Sections 323, 307 and 120-B of Indian Penal Code, 1860, registered at Police Station Bass, District Hisar, Haryana.

2. An incident took place on 28th January, 2022. There is a version and cross-version of the incident. The FIR in the present case was registered at the instance of Ravinder brother of Bablu Ram. The petitioner got registered an FIR No. 24, dated 28th January, 2022, under Sections 323, 341 and 506 of Indian penal Code (subsequently Section 325 IPC was added). As per the case set up, there was an altercation between the parties, petitioner suffered seven injuries including a grievous injury. The role attributed to the petitioner is that he gave a *danda* blow on the head of the Bablu Ram which was declared dangerous to life.

3. Learned counsel for the petitioner submits that petitioner is in custody since 17th February, 2022 and all the accused in both the FIRs have been granted bail. No recovery is to be made as *danda* has already been

recovered. Investigation is complete and challan stands presented.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that the injury attributed to the petitioner was declared dangerous to life.

5. Though the complainant is not impleaded as party, Mr. Amit Khatkar, Advocate opposes the prayer for grant of regular bail and submits that injured-Bablu Ram remained admitted in hospital for one month and is still under treatment.

6. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

7. As per the statement of Bablu Ram under Section 161 Cr.P.C., the incident was a result of spur of a moment. Bablu Ram first inflicted injuries and thereafter, Pardeep gave a *danda* blow.

9. Without commenting at this stage with regard to as to which party was aggressive and having conspectus that all the accused in both the FIRs have been granted bail, petitioner has no criminal antecedents, though the investigation is complete but conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

3rd August, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No