

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

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CRM-M-24502-2022
Date of decision : 08.09.2022

Ashish @ Bholu

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Sansar Kundu, Advocate
for the petitioner.

Mr. Rahul Mohan, D.A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.19 dated 13.01.2022 registered under Sections 148, 149, 323, 341, 452, 506 and 307 of the Indian Penal Code, 1860 at Police Station Julana, District Jind.

The above-said FIR was registered on statement of complainant-Shiv Kumar alleging that on 12.01.2022 at about 10:00 a.m. there was an altercation between his brother Rajesh and Bholu (the petitioner). After sometime, Bholu (the petitioner), Vedpal, Anil, Jassu, Lilla, Lalu, Naveen, Bhola, Billu and Tinku along with 5-7 other persons, having lathies, dandas, gandasis and iron rods in their hands, came there and attacked on him, his father, brother and grand mother with latheis and dandas and caused injuries to them. When the people gathered there, the accused persons fled from the spot.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There is also cross FIR No.22 dated 14.01.2022 registered against the complainant party. The injury on the person of complainant attributed to the petitioner is declared simple in nature. Co-accused Anil @ Mogli and Rajbir @ Lila, who have inflicted injuries on the head of injured-Rohtash have already been granted regular bail by the trial Court vide order dated 30.04.2022. The petitioner is in custody since 23.02.2022. Challan has been presented. Charges are yet to be framed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has submitted that the petitioner along with other co-accused attacked the complainant and his family members. In his disclosure statement the petitioner has admitted that when he attacked upon complainant-Shiv Kumar with iron rod, his father namely Rohtash came in between them then he also attacked upon Rohtash with iron rod and inflicted injuries over his head. The head injury inflicted to Rohtash is declared to be dangerous to life. Therefore, the petitioner does not deserve concession of regular bail and the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

In para 9 of the status report filed by the State, it is clearly mentioned that in his statement recorded under Section 161 of the Cr.P.C. injured-Rohtash has stated that the accused Anil and Rajbir @

Lila had inflicted injuries on his head with iron rod.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that the injury declared to be dangers to life is attributed to co-accused Anil @ Mogli and Rajbir @ Lila, who have already been granted regular bail by the trial Court and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

The petitioner-Ashish @ Bholu is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.09.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No