

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(237)

CRM-M-30198-2022

Date of decision: - 20.07.2022

Sukhbir @ Sonu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Sandhya Gaur, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.80 dated 29.04.2021, under Sections 148, 149, 323 and 506 IPC (Sections 148 and 149 have been deleted and Section 34 IPC and 307 of IPC have been added later on), registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 26.09.2021 and the challan has been presented and there are 21 prosecution witnesses, out of whom, none have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It

is argued that as per the FIR, the petitioner has been attributed with three injuries to three different persons. The first injury that has been attributed to the petitioner is on complainant Sonu upon his left foot, regarding which, it has been submitted that there is no medical report on record. It is further submitted that as far as the injury on the left hand of maternal uncle of the complainant is concerned, the same has been declared to be simple in nature. The third injury is stated to be an injury caused to Jasmer upon his chest, regarding which it has been submitted that a perusal of the opinion sought from the government medical officers, would show that they could not give an opinion with respect to the said injury, thus, there is no opinion of the government doctor to the effect that the said injury was dangerous to life. It is contended that Section 307 IPC has been added in the present case after a delay of four months on the basis of a report given by a private hospital. It is further contended that the complainant had appeared in the witness box and he has not supported the case of the prosecution.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case, brother of the complainant had suffered six injuries, although, the government doctors had not opined upon injuries No.1, 2 and 6, but declared injuries No.3, 4 and 5 to be simple in nature. As per the opinion of the private hospital, the injury on the chest of Jasmer Singh attracts the offence under Section 307 IPC.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 26.09.2021 and the challan has been presented and there are 21 prosecution witnesses, out of whom, none have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The injury attributed to the petitioner, inflicted upon the complainant and his brother, is not supported by any medical evidence. The injury which has been attributed to the petitioner on the left hand of the maternal uncle of the complainant has been declared to be simple in nature. With respect to the injury attributed to the petitioner upon the chest of Jasmer, the same would be a matter of debate, as to whether the provision of Section 307 IPC stands attracted or not, inasmuch as, the same is not supported by a medical opinion given by a government medical doctor, although, there is an opinion of a private hospital regarding the same. A perusal of the order rejecting bail to the petitioner would show that Anoop, who is the complainant, has not supported the case of the prosecution.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression

of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

July 20, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No