

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

212

**CRM-M- 30615 of 2022  
Date of Decision:22.07.2022**

**Rajbir**

**---Petitioner**

**versus**

**State of Haryana**

**---Respondent**

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: Mr. S.S.Duhan, Advocate  
for the petitioner

Mr. Kanwar Sanjiv Kumar, AAG, Haryana

**\*\*\***

**VINOD S. BHARDWAJ, J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for grant of regular bail in case bearing FIR No. 67 dated 04.03.2022 registered under Sections 307, 323, 325, 506 and 34 of the Indian Penal Code, 1860 at Police Station Barauda, District Sonipat.

The facts of the case in brief are that the complaint was submitted by complainant-Ranbir with the averment that the petitioner-Rajbir alongwith his co-accused caused injuries to him and his brother with lathi, axe and Bitta with intention to kill them and ran the tractor over him (complainant) and his brother. During the investigation, the accused were apprehended. Injuries were caused in pursuance to their common intention. The petitioner is specifically named in the FIR. The petitioner instigated his co-accused for running over the tractor on the complainant and his brother. As per opinion of doctor injuries to Ranbir are grievous in nature,

while injury to Jasbir is dangerous to life. The complainant and material witnesses are yet to be examined.

Learned counsel appearing for the petitioner has contended that injury attracting Section 307 of the Indian Penal Code is not attributed to the petitioner and that he has only been attributed a *lathi* blow to the legs of the complainant. He further contends that *lathi* has already been recovered by the Investigating Agency and that upon completion of investigation, final report has already been filed. It is submitted that charges in the present case have been framed, however, no witness out of 16 witnesses has been examined so far. He further contends that the petitioner does not have any criminal antecedents and his continued custodial retention is not likely to advance any interest of justice.

Per contra, learned State counsel appearing on behalf of respondent-State contends that the injury attributed to the petitioner has been found to be grievous thus, attracting Section 325 of the Indian Penal Code. It is, however, not controverted by him that injury under Section 325 of the Indian Penal Code is otherwise a bailable offence. It is also not in dispute that the petitioner does not suffer from criminal antecedents and that the investigation is already complete.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Without examining the merits of the instant case and taking into consideration the facts noticed above, and the fact that the petitioner has no criminal antecedents, stage of the trial and also the nature of attribution to the petitioner, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)  
JUDGE

22.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No