

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

Sr. No.108+209

CRM-36182-2022 in/and  
CRM-M-37236-2022 (O&M)  
Date of decision : 28.9.2022

Gobind @ Gobind Singh

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr.Keshav Pratap Singh, Advocate for the petitioner

Ms.Aditi Girdhar, AAG, Haryana

Mr.Yashwnt Singh Rathore, Advocate  
for the applicant/complainant

**AMAN CHAUDHARY, J.**

**CRM-36182-2022**

Notice of the application.

Mr.KP Singh, Advocate for the non-applicant/ petitioner as well as learned State counsel accept notice and state that they have no objection, if the application is allowed.

Having heard the learned counsel for the parties and in view of the reasons mentioned in the application, the same is allowed. Annexures C-1 to C-6 are taken on record.

**CRM-30190-2022**

Allowed as prayed for. Annexures P-1 to P-12 are taken on record.

**Main case**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.449, dated 6.11.2021, registered under Sections 323, 324, 34, 506 IPC ( Sections 307, 326 and 341 IPC added and Section 324 IPC deleted later on) at Police Station Madhuban, District Karnal.

Learned counsel for the petitioner submits that it is a case of

version and cross-version. He further submits that at the hands of the complainant in this case, the petitioner had also received a number of injuries, for which FIR was also lodged by him. It is stated that the incident had occurred in the field of the petitioner. He states that the petitioner has been in custody since 19.3.2022. He further submits that though initially in the FIR, the brother and father of the petitioner were named, however, during investigation, they were found to be innocent. Nothing is to be recovered from the petitioner. He also submits that there is *inter se* civil dispute pending between the parties.

Per contra, learned counsel for the State opposes the prayer of the petitioner on the ground that there is specific injury attributed to the petitioner and the recovery of 'gandasi' has also been effected from him. She further informs that though the charges have been framed in the present case but the trial is yet to commence. However, he is unable to controvert the period of custody of the petitioner.

Learned counsel for the complainant submits that the injuries attributed to the petitioner on the head of the complainant being declared dangerous to life, would have their own repercussion throughout life. He further submits that besides the complainant, there are two other injured.

Heard the learned counsel for the parties.

This being a case of version and cross-version, it is a debatable issue that which party was the aggressor and the same will have to be seen at the time of trial.

Considering the peculiarity of facts and circumstances that it being a case of version and cross-version; the petitioner is in custody since 19.3.2022; charges have been framed and now the case is fixed for examination of PWs; the trial is likely to take a considerable time to conclude, thus, further detention of the petitioner behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and

subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- 1. The petitioner will not tamper with the evidence during the trial.
- 2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- 5. The petitioner shall not directly or indirectly coerce, inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

It is further clarified that if the petitioner does not abide by the aforesaid conditions, the State or the complainant would be at liberty to seek cancellation of his bail.

Nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

28.9.2022  
gsv

(AMAN CHAUDHARY)  
JUDGE

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