

(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38124-2022(O&M)
Date of Decision: 31.08.2022

Mohit

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Nisha Malik, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.36 dated 25.01.2022 (Annexure P-1) registered under Sections 323, 324, 326, 506, 307 and 34 IPC, 1860 with Police Station Kalanaur, District Rohtak.

2. The present FIR came to be registered on the complaint of one Dushyant who stated that on 23.01.2022, he had gone to the house of his uncle namely, Narender. In the street Singh Ram son of Sunder Singh was washing his vehicle and the water thereof was coming under the buffalo of his uncle Narender. On this his aunt Suman requested him (Narender) to wash his vehicle on the side so that the water may not come towards the buffalo. On this Singh Ram started quarrelling. His family members also came to the spot. His family comprising of Mohit (the present petitioner), Kavita, Sonia, Vedpal, Santosh, Silam, Krishna, Bala and Sumit attached his aunt and she fell down. Thereafter, on the asking of Mohit, Sonia took out a

knife and handed over the same to Mohit and Singh Ram. Mohit gave a knife blow in the stomach of his aunt with an intention to kill her. Thereafter, Singh Ram gave a knife blow on her head. Mohit also gave a knife blow on his neck (complainant's neck) that blow struck his cheek and neck another blow was given on his finger. In the meantime his uncle Narender came outside to try and rescue his aunt Suman. At that time Vedpal his wife Kavita and Krishna caught hold of his uncle. Singh Ram and Sumit also gave knife blows on the chest, head and foot of his uncle. Thereafter, everyone started giving them fist and leg blows. The injured were taken to PGIMS, Rohtak, whereas his uncle and aunt were taken to Oscar Hospital, Rohtak where they were treated. On the same date, all the accused trespassed into the house of his uncle Satish and inflicted injuries on his uncle Satish wife Maya and a small child. A *danda* blow was given on the head of a small child namely Rihaan who is in serious condition.

3. The learned counsel for the petitioner contends that the occurrence has taken place between the neighbours and without any premeditation. There is a delay of three days in the recording of the statements of the injured and the complainant party. The incident had taken place on 23.01.2022 and the complaint was given on 25.01.2022. He contends that the injury attracting Section 307 IPC has not been attributed to the petitioner and one Kavita has been granted the concession of bail. It would be a matter of adjudication during trial as to whether the injury attributed to the petitioner is one attracting Section 307 IPC. Even otherwise, the petitioner has been in custody since 15.02.2022 and as none of the 25 prosecution witnesses have been examined so far, the trial of the present case

is not likely to be concluded in the near future. Thus, the further incarceration of the petitioner is not required.

4. On the other hand, the learned State opposes the bail application stating that the petitioner is one of the main accused. The manner in which the offence has been committed does not entitle him to the grant of regular bail. He however, does not dispute the period of custody undergone by petitioner.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 15.02.2022. None of the 25 prosecution witnesses have been examined so far. The injured Suman who allegedly received injuries at the hands of the petitioner was discharged from Hospital soon after the occurrence without suffering any permanent disability. The petitioner is not involved in any other case and the dispute is between neighbours. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mohit son of Singh Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.08.2022

JITESH

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