

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49856-2021 (O&M)
Date of Decision:- 23.3.2022

Rameshwar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nikhil Vats, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Narinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.17, dated 17.1.2021, Police Station Asauda, District Jhajjar, under Sections 323, 34, 506 IPC (Section 307 IPC added later on and Section 34 IPC was deleted).
2. The FIR was lodged at the instance of Sumit, wherein it is alleged that on 16.1.2021, when his younger brother was playing in street, then Rameshwar's son namely Ashish came on bicycle and hit complainant's brother Jatin with his bicycle. When Jatin tried to stop Ashish, said Ashish started abusing him. Shortly thereafter

Rameshwar (father of Ashish) came in the street and started beating complainant's brother Jatin. However, the neighbors intervened and the accused went back to his house. It is alleged that later in the day at about 3 pm, Rameshwar came to the complainant's shop armed with 'stick' and started beating him. When complainant's mother tried to rescue the complainant, said Rameshwar gave beatings to his mother also.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, it is a case where injuries with the help of stick had been caused and no lethal weapon had been used. It has further been submitted that offence under Section 307 IPC came to be added after one month of the occurrence on the basis of manoeuvred medical report and that the same cannot be relied upon. It has also been pointed out that in the present case even accused Rameshwar had sustained injuries including a lacerated wound on his head, as would be evident from the MLR (Annexure P-3).
4. On the other hand, learned State counsel has submitted that the petitioner had caused injuries to two persons i.e. to the complainant as well as to his mother and one of the injury on the person of complainant was found to be dangerous to life. It has been informed that the petitioner has been behind bars since the last about 1 year and he is not wanted in any other case. It has also been informed that 4 PWs out of the cited 13 have been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner was armed with a stick only. Keeping in view the fact that the petitioner also sustained injuries including an injury on his head, it will be debatable as to whether the injuries in question were caused in self-defence or as to whether the petitioner was an aggressor. In any case, since the petitioner has been behind bars for the last about 1 year and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time, given the fact that only 4 out of the cited 13 PWs have been examined. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No