

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51120-2022 (O&M)
Date of decision: 10.11.2022

Akshay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.420 dated 17.08.2022 under Sections 323, 341, 506, 308, 34 IPC (Section 307 IPC was added and Section 308 IPC was deleted later on), registered at Police Station Civil Line, Sonipat, District Sonipat.

Learned counsel for the petitioner submits that the FIR was registered at the instance of complainant Neeraj, with the allegations that he is running a Computer Institute, where many boys and girls come for study. A boy named Abhishek is running a tea stall and he used to smoke cigarette while standing in front of Coaching Centre. The complainant used to refrain him from doing so and on that account, he nourished a grudge. On 16.08.2022, when the

complainant was going home, Abhishek, his brother and one another boy obstructed the way and started abusing him and also gave him kick and fist blows. Abhishek also gave brick bat blow on his head near the ear. When wife of the complainant came and tried to intervene, she was also threatened. Thereafter, the complainant was shifted to Tulip Hospital, where he remained under treatment for 04 days.

Learned counsel has argued that the petitioner is not involved in any other case and it was a case of sudden provocation, in which brother of the petitioner gave a brick bat blow on head of the complainant. It is further submitted that the petitioner, without prejudice to his right of defence, is ready to hand over a demand draft of Rs.20,000/- favouring the complainant towards the medical expenses, at the time of furnishing bail/surety bonds before the trial Court.

Learned State counsel, on instructions from SI Ramesh, has submitted that the incident was recorded in the CCTV and the petitioner was present there.

Learned State counsel has filed the custody certificate in the Court today, which shows that the petitioner is in custody for the last 02 months and 16 days and is not involved in any other case. It is submitted that the injury invoking Section 307 IPC is attributed to co-accused Abhishek, who is also in custody.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed

to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that without prejudice to his right of defence, the petitioner will submit a demand draft of Rs.20,000/- favouring the complainant towards the medical expenses, at the time of furnishing bail/surety bonds, which will be further handed over to the complainant.

[ARVIND SINGH SANGWAN]
JUDGE

10.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No