

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

CRM-M-53615-2022

Date of Decision: 23.11.2022

VINOD KUMAR

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Ms. Dimple Jain, AAG, Haryana.

Mr. Aditya Sanghi, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.180 dated 21.06.2022 registered at Police Station Nathusari Chopta, District Sirsa, under Sections 147, 148, 323, 325, 341, 506 and 307 IPC.

Learned counsel for the petitioner *inter alia* submits that scuffle took place on 19.06.2022 between petitioner and his associates on the one side and complainant and his associates on the other side. The petitioner and his associates suffered injuries as well as complainant and his family members suffered injuries. The complainant lodged aforesaid FIR against 9 persons which culminated into police report under Section 173 Cr.P.C against 5 persons. The police found 4 persons innocent, thus, challan was not presented against them. On the basis of complaint made

by petitioner party, a cross FIR was registered against complainant and his associates which culminated into police report against 4 persons namely complainant, Ramesh Kumar, Dulichand and Suman. It is a case of cross FIR and injuries suffered by both sides. The petitioner is in custody since 11.08.2022. Challan stands presented and matter is fixed for framing of charges.

Learned counsel for the complainant submits that in view of injuries suffered by complainant and Suman, no leniency is warranted and present petition deserves to be dismissed. He further submits that his release may influence the witnesses which would prejudice the case of the prosecution.

Learned State counsel submits that iron rod was recovered from the petitioner and it is a case of grievous injuries and thus no leniency is warranted and bail deserves to be dismissed.

I have heard arguments of both sides and perused the record.

The petitioner is concededly behind the bars since 11.08.2022. The challan has already been presented. It is relevant to mention here that FIR was registered against 9 persons whereas challan has been presented against 5 persons. The police did not find complainant party innocent which is evident from the fact that challan has been presented against complainant as well as 3 more persons. The challan in the present case was presented against 5 persons and 4 out of them are already on bail.

Keeping in view the period of custody and other material factors as stated above, I am of the considered opinion the present petition deserves to be allowed and the petitioner is directed to be

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

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

23.11.2022
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>