

2023:PHHC:085733

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

239

CRM M-15673 of 2023

Date of Decision: July 07, 2023

Narender Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. S.S. Dinarpur, Advocate for the petitioner.  
Ms. Sheenu Sura, DAG, Haryana.  
Mr. Sanchit Punia, Advocate  
for the complainant.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 519 dated 06.12.2022 under Sections 323, 452, 506 and 34 of IPC (later on Sections 307 and 325 IPC added and Sections 452 and 34 IPC deleted) registered at Police Station Agroha, District Hisar, Haryana.

3. The FIR in the instant case was got registered by Sandeep Kumar son of Karmabir Singh by alleging that his uncle Ramphal and his sons Narender and Rohtash and Surender son of Dharambir had blocked the passage of their field. At about 07.30 p.m., on 05.12.2022, he and his father were sitting in their house and in the meantime, his uncle Ramphal, Narender, Rohtash and Surender residents of Kirmara came there and were carrying *dandas* in their hands. After reaching their house, the aforesaid persons had hit his

father with *dandas*. He raised the noise to save them and on seeing the villagers, all the assailants fled from the spot. After arranging the vehicle, his father was shifted to Medical College Agroha for treatment and keeping in view his serious condition, he was admitted there. With these broad allegations, the present FIR was got registered by the complainant.

4. The learned counsel for the petitioner submits that the complainant had assigned specific roles to four accused, however, three persons, namely, Ramphal, Rohtash and Surender have been declared innocent by the police during the course of investigation. This fact alone raises a question mark with regard to the genuineness of the allegations levelled by the complainant in the present FIR. He further contends that the injured Karambir was drunk at the time of the incident and he might have suffered injuries somewhere else. He further contends that during the course of the investigation, it was found that the offence had been allegedly committed in the street and not in the house of the complainant as alleged and due to this Section 452 IPC has been ordered to be deleted. Learned counsel further contends that the petitioner is behind the bars since 04.01.2023 and his further custody would serve no meaningful purpose. The prosecution had cited 19 witnesses and after examination of the complainant as a witness, the prosecution moved an application under Section 319 Cr.P.C. Thus, the conclusion of the trial may take quite a long time.

5. On the other hand, the learned State counsel assisted by Mr. Sanchit Punia, Advocate for the complainant has opposed the grant of concession of regular bail to the petitioner by alleging that the petitioner is the principal accused. In fact, he is the only person, who is responsible for causing the injuries as three accused have been found to be innocent and he does not deserve the concession of bail by this Court.

6. I have heard the learned counsel for the parties and perused the record of the case with their assistance.

7. It is not in dispute that the petitioner was arrested in the present case on 04.01.2023 and the trial is yet to commence before the learned trial Court. It is also not in dispute that the injured was discharged long back and further custody of the petitioner would serve no meaningful purpose.

10. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

**July 07, 2023**

amit rana

**( N.S.SHEKHAWAT)**

**JUDGE**

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