

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17683 of 2023

Date of Decision: 28.04.2023

Rahul

....Petitioner

Versus

State of UT, Chandigarh

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. M.S. Gujral, Advocate for the petitioner.
Mr. Anupam Bansal, APP, UT, Chandigarh.

HARINDER SINGH SIDHU, J.

Petitioner has filed second petition for grant of regular bail in case
FIR No.52 dated 12.05.2021 under Sections 147,148,149,341,307,326,506 IPC
registered at P.S Mauli Jagran, Chandigarh.

The FIR was recorded on the statement of one Raju Kumar, who
stated that on 11.05.2021 at around 8.00 P.M he was present at his house. He was
informed that his son Vicky was being beaten by 5-6 boys behind the Masjid
complex. The complainant immediately went to that place. He saw Sanjay and
Rahul (petitioner) along with 3-4 of their companions beating his son. Sanjay
had a long knife in his hand, with which he repeatedly attacked his son. Rahul
had an iron rod in his hand. One other person was holding a stick in his hand.
Rahul and the companion holding a stick were beating his son with the iron rod
and the stick. 3-4 other boys were holding his son by the legs and shouting that
his son be killed. Meanwhile, number of other people gathered there and the
assailants ran away. The complainant took his son to Government Civil Hospital,
Sector-6, Panchkula, from where he was referred to Government Medical
College, Sector-32, Chandigarh.

During investigation, the petitioner (Rahul) was arrested on

12.05.2021. The iron rod was recovered on his disclosure. Sanjay was arrested and a blood stained knife was recovered on his disclosure statement. The other accused were also arrested. As per the MLR, the son of the complainant had suffered 11 incised wounds on his head, neck, tongue and near the outer ear. As per the FSL report, reddish brown stains were found over both the surfaces of the blade of the knife at various places. It was also opined that all the eleven injuries mentioned in the MLR were possible with the knife stated to be recovered from Sanjay.

The injured Sumeet @ Vicky appearing as PW2 in his deposition stated that on 11.05.2021 at about 8.00 PM when he was returning from the market of Mauli Jagran Chandigarh, he was stopped by Sanjay and other accused near the backside of the Mosque. Sanjay was armed with a knife, Rahul (petitioner) was armed with an iron rod, Gopal @ Sonu was armed with Danda, Ashish @ Ashu and Sahil were empty handed. Ashu and Sahil caught hold of him. Sanjay, Rahul and Gopal @ Sonu attacked him with their respective weapons. Sanjay inflicted injuries with his knife on his neck, head and right shoulder. Rahul inflicted an iron rod blow on his head. Gopal @ Sonu gave danda blows on his legs and other parts of his body. Resultantly, he received multiple injuries over his head, face, tongue and shoulder. Meanwhile, his father came and took him to hospital in Sector-6, Panchkula, from where he was referred to Sector-32, Chandigarh. He remained in hospital for treatment for about 10- 15 days. He identified all the accused in court. In cross-examination, he volunteered that the injury inflicted by Rahul was a minor one and no specific treatment for that injury was given to him by the doctor. In cross-examination he also admitted that prior to the present occurrence, he had a fight with one Ajay.

In that occurrence, he had suffered injuries with Gandasi and swords. He

admitted that the injuries referred to by him in his examination-in-chief are the injuries which he had suffered in the occurrence with Ajay. He, however, denied that it was incorrect that he was not given injuries by the accused party and that he had falsely implicated them.

Learned counsel for the petitioner contends that none of the injuries is possible to be caused with the iron rod, which was allegedly carried by the petitioner. He submits that the petitioner has been behind bars for the last one year, eleven months and sixteen days.

On the other hand, learned APP appearing for UT Chandigarh while opposing the petition argued that the petitioner was part of unlawful assembly and that the injuries caused are on vital parts. He has referred to the opinion (P.3) of the Doctor, who opined that all the injuries mentioned in the MLR are possible with the sharp edged weapon (which was recovered from accused Sanjay or any other weapon similar to it).

Without commenting anything on the merits of the case and also bearing in mind the custody period, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Rahul is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

April 28, 2023

manoj

(HARINDER SINGH SIDHU)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No