

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

**CRM-M-20630-2022 (O&M)**  
**Date of Decision: 10.2.2023**

Lovejeet @ Labha

**....Petitioner**

**VERSUS**

State of Haryana

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Sukhvir Singh Sahu, Advocate  
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

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**KARAMJIT SINGH, J.**

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.253 dated 2.11.2021 registered for the offences punishable under Sections 323, 307, 34 IPC (Section 325 IPC deleted later on) at Police Station Sadar Ratia, District Fatehabad.

As per allegations appearing on record, on 23.10.2021, complainant Bhagwan Singh was going to take medicine and on the way, he was intercepted by 4 boys who were riding on a Platina motorcycle and started hooting on which, the complainant raised objection and then the said motorcyclists started beating the complainant and the petitioner gave *danda* blow on the right arm and nose of the complainant while co-accused Kuldeep Singh also gave *danda* blow to the complainant and co-accused Karan started giving him kick blows and then they fled away from there.

Counsel for the petitioner submits that the petitioner has been

falsely implicated in the present case and is in custody for the last more than 1 year and 2 month and is having no criminal history. He further submits that there is a delay in lodging of FIR and as per the medical report dated 15.11.2021, one of the injuries caused by the petitioner was declared grievous in nature but the same was found to be caused with blunt weapon and as such, attracts offence under Section 325 IPC which is a bailable offence. He further submits that thereafter, another opinion was given after about more than 10 days of the aforesaid opinion whereby the said injury was declared dangerous to life. He further submits that the injured and his wife (eye witness) are examined and that it is a matter of evidence as to whether any offence under Section 307 IPC is made out against the petitioner. So, prayer is made that the petitioner be granted regular bail.

Present petition is opposed by the State counsel who on instructions from ASI Sushil submits that the injury which was caused by the petitioner on the nose near forehead of the complainant is found to be dangerous to life by the Board of Doctors. However, the State counsel has not disputed the fact that the said injury was found to be caused with blunt weapon and that the complainant/injured and eye witness are already examined in this case but it will take considerable time for the trial to conclude.

I have considered the submissions made by the counsel for the parties.

The occurrence in question had taken place on 24.10.2021 whereas the FIR was registered on 2.11.2021 and as has been submitted by the counsel for the petitioner, initially, one of the injuries attributed to the petitioner was found to be grievous in nature caused with blunt weapon but

after gap of about 10 days, the said injury was declared dangerous to life by the Board of Doctors and the complainant/injured and eye witness stand examined and the petitioner is in custody for the last more than 1 year and 2 month and it will take time for termination of the trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

February 10, 2023  
Paritosh Kumar

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