

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22988-2022 (O&M)
Date of Decision:-24.04.2023

HEM RAJ

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Sahil Gupta, Advocate with
Mr. Vivek Tripathi, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Kanwal Goyal, Advocate with
Mr. Govind Tanwar, Advocate and
Mr. Shobhit Rapria, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.724 dated 19.12.2021 registered under Sections 147, 148, 323, 325, 307, 506 IPC (Sections 325 and 307 IPC added later on) at Police Station Mujessar, District Faridabad.
2. The FIR in the present case was registered on the basis of the statement of Rahul Bansal, in which he alleged that on 18.12.2021

construction work was going in a shop and construction material was stored in the street to which the opposite party objected and asked the complainant to remove the construction material from there, as it was difficult for parking of car. In the meantime co-accused Lal Chand called his sons including the petitioner who started manhandling the complainant and his brother Yogesh Bansal and all of them caused injuries to the complainant and his brother with different weapons.

3. The counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case at the instance of the opposite party. That actually opposite party caused injuries to brother of the petitioner regarding which FIR No.744 dated 25.12.2021 was registered in the police station against the opposite party. The counsel for the petitioner further submits that the petitioner is in custody since 14.2.2022 and all the material witnesses are already examined and as per medical opinion Annexure P-5, injury alleged to be caused by the petitioner is not found to be dangerous to life. The counsel for the petitioner further submits that no purpose is going to be served by detaining the petitioner behind the bars.
4. The instant petition is opposed by the counsel for the complainant, who submit that the petitioner caused injury on the head of Tej Pal with the help of iron rod and on account of the said injury offence under Section 307 IPC was added in the present case. The counsel for the complainant further submits that the trial is going on against the accused persons who were arrested by the police. The counsel for the complainant further submits that one of the accused namely Sourabh is

still absconding and if the petitioner is released on bail he is also going to abscond, so prayer is made that the present petition be dismissed.

5. The present petition is also resisted by the State counsel who submits that fracture was found co-relating to the head injury caused by the petitioner with the help of iron rod on head of Tej Pal. However, the State counsel has not disputed the fact that petitioner was arrested on 14.2.2022 and that the trial is going on and during trial complainant-Rahul Bansal, eye-witness Mukesh Goyal, injured Yogesh Bansal and Tej Pal are already examined.
6. I have considered the submissions made by counsel for the parties.
7. The petitioner who is named in the FIR is alleged to have caused injury on the head of PW-Tej Pal with iron rod.
8. On 23.2.2023, the counsel for the petitioner apprised the Court that there is no document available on the record of the trial Court to show that the aforesaid injury was grievous or dangerous to life. On this, the State counsel sought adjournment to seek necessary instructions with regard to aforesaid injury sustained by PW-Tej Pal. However, till date the State counsel failed to produce any such document. Rather counsel for petitioner produced medical record (Annexure P-5) of PW-Tej Pal as per which injury in question was not found to be dangerous to life. However one of the injuries found on person of PW-Tej Pal is found to be grievous in nature as per (Annexure P-5), which is a medical opinion given by the Medical Officer, Escorts Fortis, Faridabad.

9. The petitioner is in custody for the last more than 1 year and 2 months and is having no criminal history. The trial is progressing ahead and already complainant, injured Yogesh Bansal and Tej Pal are already examined during trial but it will take considerable time for the trial to conclude. There is nothing on record to show that if released on bail the petitioner is going to abscond or will tamper with the evidence.
10. In the light of the above, no purpose is going to be served by keeping the petitioner behind the bars for any longer period. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

24.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No