

203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26737-2023 (O&M)

Decided on:-14.07.2023

Narveer @ Narvir

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial in case FIR No.136 dated 07.05.2022, under Sections 302, 506, 34 IPC, registered at Police Station Sadar Narnaul, District Mahendergarh, Haryana.

2. As per the allegations levelled in the FIR, the petitioner along with his father, namely, Babu Lal gave separate "Axes" blows on the neck of deceased-Surender.

3. Learned counsel for the petitioner submits that though as per the FIR, the allegations were of two "Axe" blows on the neck of deceased-Surender (one each by Babu Lal and the present petitioner), however, as per the statement of PW-5/Dr. Kuldeep, Medical Officer at Civil Hospital,

Narnaul, it can be deciphered that there was only one single injury on the

back side of neck of the deceased and thus, the entire sequence in the FIR becomes doubtful.

4. On the other hand, learned State counsel vehemently opposes the prayer made in the present petition besides submitting that trial is likely to conclude as 09 witnesses out of 14 already stand examined and even 03 were summoned for today.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. Considering the fact that the investigation in the present case already stands concluded with the filing of *challan*, followed by framing of charges; even the complainant as well as Doctor stand examined, thus, there is no chance of influence being exerted by the petitioner upon the prosecution witnesses. Moreover, from the statement of PW-5/Dr. Kuldeep, it can be traced out that as per his opinion it is a case of one single injury on the back side of the neck of the deceased with no apparent mark as regards any second injury. The operative part from the cross-examination of PW-5/Dr. Kuldeep is reproduced hereunder for reference:-

“There was one single injury on the back side of neck on the person of deceased. There are always two margin, one floor and two end of a single injury. In the present case there was also one floor, two end and two margin of the injury which was on the back side of neck. The injury No.1 mentioned in the PMR of deceased could be result of a single blow of sharpened as instrument. The injury mentioned in PMR could be sustained if a person fall on a sharp edged instrument from sufficient height possibility cannot be rule out. If two blow is to be caused on the same place then there would two different floor of the injuries,

different different ends and different different margin would be there but in this case it was not so.”

7. In view of the aforesaid as well as without commenting anything upon merits of the case in hand, I do not find any justification to extend the incarceration of the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate. However, it is made clear that any observation made in this order shall not be construed as an expression of my opinion on the merits of the case.

14.07.2023
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(HARKESH MANUJA)
JUDGE

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