

(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28173-2022

Date of Decision: 10.01.2023

ANKIT

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.A. Sheoran, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.682 dated 15.12.2021 registered under Sections 323, 506, 34 IPC (Sections 325, 307 IPC added later on) at Police Station Kaithal City, District Kaithal.

2. The present FIR came to be registered at the instance of Bijender son of Ranjit who stated that he was serving as a Peon in a College. He had two sons and a daughter. He had given his house on rent to Urmila widow of Jagdish since the last 10 years. When he asked Urmila and her sons to vacate the house, they refused to do so. On 14.12.2021 at 07.30 PM, he along with his son Sanjeev went to the house where Urmila was residing. There Urmila and her sons Ankit, Ankush and Nishu were present. When he asked her to vacate the house, she told her sons to teach him a lesson. On this, Ankit picked-up a *Danda* and caused an injury on his (complainant's) head and other parts of the body. Ankush picked up an iron rod and caused an injury to

Sanjeev. Nishu and Urmila gave slaps and fist blows to them (complainant party). When his son Sanjeev raised an alarm, then the accused ran away from the spot.

3. The learned counsel for the petitioner submits that the occurrence had taken place when the complainant party had gone to the house of the accused and had abused the mother of the accused namely, Urmila. The petitioner was in custody since 29.12.2021 and only 01 out of the 23 prosecution witnesses had been examined so far. Ankush, the brother and co-accused of the petitioner had been granted the concession of bail vide order dated 20.05.2022 passed in CRM-M-15952-2022 (Annexure P-3). Urmila had been granted the concession of anticipatory bail whereas, Nishu had been declared a juvenile. Since the injured Bijender (complainant) had been since released from hospital and was carrying on his normal daily pursuits not having suffered any permanent impairment, the further incarceration of the petitioner was not required, moreso, when he had clean antecedents.

4. On the other hand, the learned State counsel has filed a reply dated 08.10.2022 by way of an affidavit of Mr. Ravinder Sangwan, HPS, Deputy Superintendent of Police, Kaithal. As per the reply, Bijender (complainant) has suffered an injury attracting Section 307 IPC on his head which is stated to be injury No.3 as per the report dated 21.12.2021 (Annexure R-1). Sanjeev, the son of Bijender has received a grievous injury as is borne out from the Report (Annexure R-3). He contends that the petitioner is the main accused and as such was not entitled to the grant of bail. He however, does not dispute the fact that the injured complainant-Bijender who has received an injury attracting Section 307 IPC has been released from

hospital and has not suffered any impairment. He also admits the fact that the co-accused of the petitioner namely, Ankush has been granted the concession of bail vide order dated 20.05.2022 passed in CRM-M-15952-2022 (Annexure P-3).

5. I have heard the learned counsel for parties at length.

6. The petitioner has been in custody since 29.12.2021. Only 01 out of the 23 prosecution witnesses had been examined so far. It would be a matter of adjudication during Trial as to which side was the aggressor party. The injured complainant-Bijender has not suffered any permanent impairment and is carrying on his daily pursuits. The co-accused namely, Ankush has been granted the concession of bail vide order dated 20.05.2022 passed in CRM-M-15952-2022 (Annexure P-3). Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ankit son of Chiranjeev is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.01.2023

JITESH

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