

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37319-2023

Date of decision: 14.12.2023

VIKRAM @ BABA

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Dr. J.S. Malik, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.639 dated 29.10.2022 registered under Sections 307, 323, 324, 326, 452, 506 and 34 of the Indian Penal Code at Police Station Tosham, District Bhiwani.

2. The present FIR was lodged on the statement of Sanjeev, on the allegations that on 29.10.2022 at 9:00 PM, he received a telephonic call from his uncle Sundar that the left hand of his father has been cut from the wrist and left leg is hanging below. When he returned home, he saw the marks of sharp edged weapon injuries on his father. Upon inquiry, he learnt that Balbir son of Mai Lal, Sonu and Monu alias Vikram sons of Balbir, his neighbourers had caused injuries to his father with sharp edged weapon, after trespassing into their house with intention to kill his father. About 2-3 days ago, the assailants have also threatened them.

3. Learned counsel for the petitioner *inter alia* contends that initially, three persons were named in the FIR, Out of which, two persons were declared innocent during investigation and placed in column No.2 of the final report submitted under Section 173 of Cr.P.C. The material witnesses of the prosecution, including the complainant and injured have already been examined. The petitioner is behind the bars since 09.11.2022 and he is not involved in any other anti social or criminal activity prior to the registration of the present case. The injuries are admittedly on the non-vital parts of the body and they were collectively declared as dangerous to life. It would be a moot point to be determined by the trial Court, whether offence under Section 307 IPC is made out or not.

4. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the ground that petitioner is alleged to have given brutal injuries with sharp edged weapon and collectively, all the three injuries are dangerous to life.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind the bars since 09.11.2022 and out of 22 prosecution witnesses cited, only 7 have been examined. The complainant and the injured witness have already been examined. The culpability of the petitioner would be seen at the time of the trial.

6. Accordingly, the present petition is allowed. The petitioner-Vikram alias Baba is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

December 14, 2023
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(i) Whether speaking/reasoned

(ii) Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No