

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRM-M-42912-2023 (O&M)

Date of Decision: 05.09.2023

RISHAL SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. Pankaj Nanhera, Advocate
for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.231 dated 13.06.2022, registered under Section 302, 452, 114, 201 and 34 IPC, at Police Station Uklana, District Hisar.

2. Learned counsel for the petitioner submits that the petitioner is 55 years old ex-serviceman and has falsely been involved in the present case; that the petitioner has been in custody since 16.06.2022 i.e. for about 1 year and two months and that, as per the Postmortem Report dated 13.06.2022 (Annexure P-4), there were four injuries on the person of the deceased, out of which one was a stab wound of 6.5 cm x 4 cm on right shoulder; an incised wound of 8 cm x 1 cm on the left middle arm and the remaining two were the abrasions on abdomen and neck; that the said injuries were not on the vital parts. He further submits that the complainant used to tease the petitioner on one pretext or the other and

that aggrieved against the said act of the complainant, the petitioner moved an application dated 08.06.2022 (Annexure P-2) to the Station House Officer, Police Station Uklana, District Hisar, against the complainant and others. Still further, it is submitted that as per the investigation agency, the complainant along with the others went to the house of the petitioner; that, thereafter, the petitioner came out of the house and went to some common area of the village; that it was the complainant, who had assaulted the petitioner; that the petitioner had acted in his self-defence; that the petitioner had also received injuries on his person, as would decipher from the MLR of the petitioner dated 12.06.2022 (Annexure P-5) and that for the injury/fracture on his nasal bones, the Doctor concerned had made reference to ENT Surgeon and the surgery was advised. The relevant extract of the said report would read as under:-

'Course in Hospital:- Patient admitted here with above said complaint, Case seen by Neurosurgeon, CT Head was done which revealed no abnormality in brain parenchymal and Fracture B/L nasal bones for which reference of ENT surgeon was done and advised for surgery. After informed and written consent patient shifted to OT. Nasal bone fracture setting done under on 15.06.2022.....'

Learned counsel for the petitioner further submits that it was the son of petitioner, namely, Laxmi Narayan, who had called the emergency No.112 and informed the Police regarding the alleged occurrence. He further submits that out of total 22 prosecution witnesses only 1, has been examined so far.

4. Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that there are specific allegations against the petitioner, who is the main accused in the present FIR and that, as per the Doctor's opinion, the cause of death was the injuries on the major veins. She further submits that a spear used in the occurrence was recovered from the petitioner and that Ramesh has expired due to the spear injuries inflicted on his person by the petitioner. Still further, it is submitted that the material prosecution witnesses are yet to be examined and thus, the petitioner is not entitled to the concession of regular bail.

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

6. The place of occurrence was not the shop of the deceased. Rather, it was the common area of the street in the village. As per the learned counsel for the petitioner; it was the complainant who had assaulted the petitioner and the petitioner had acted in his self-defence only. The petitioner has been in custody since 16.06.2022 i.e. for about 1 year and 2 months. As per the Post Mortem Report dated 13.06.2022 (Annexure P-4), there were four injuries on the person of the injured and that too were not on the vital parts. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above and without commenting anything on

the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

05.09.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No