

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46746-2022 (O&M)
Date of Decision:- 20.03.2023

Kuldeep @ Billu	... Petitioner
Versus	
State of Haryana	... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Ashna Gill, Advocate, for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.190, dated 26.6.2021, Police Station Sadar Kaithal, District Kaithal, under Sections 148, 149, 307, 323, 325, 483 and 506 IPC.
2. The FIR in question was lodged at the instance of Falish wherein it is alleged that on 24.6.2021, when he along with his brother Sumit and father Jaibhagwan was present near his fields, then, Meena, Yogita, Balbir, Balbir, Balbir's son-in-law namely Billu, accompanied by 10-15 persons came there armed with sticks and rods and gave beatings to them. The petitioner is alleged to be carrying an iron rod and is stated to have inflicted two blows with the same on the head of

complainant's father. The other accused are also alleged to have given injuries to complainant's father.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that a perusal of the FIR would reveal that only 3 injuries were sustained by Jai Bhagwan and out of which one injury is stated to be in the nature of a pain on the left side of the head and the other two are in the nature of a bruise on the thigh and an abrasion on a finger. Learned counsel further submitted that in the instant case, pursuant to an application under Section 319 Cr.P.C. having been accepted recently, denovo trial has to commence and since a large number of PWs have been cited, conclusion of trial is likely to consume time.
4. Opposing the petition, learned State counsel submits that since the petitioner is the main accused having inflicted a blow on the head of Jai Bhagwan, his complicity is clearly evident and as such, he does not deserve to be released on bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars for the last about 1 year, 8 months and 15 days and is not involved in any other case.
5. This Court has considered the rival submissions.
6. The petitioner, no doubt is specifically named in the FIR and is stated to have inflicted two blows with the iron rod on the head of Jai Bhagwan. The MLR in respect of Jai Bhagwan (Annexure P-5) depicts the injuries sustained by Jai Bhagwan as under:

- “1. C/O pain over left side of parietal region of skull. Adv CT Head Surgeon opinion
 - 2. Bruise of size 6x3 cm present over left thigh lateral aspect. Red in color Adv X Ray left thigh Ortho opinion.
 - 3. Abrasion over middle finger of left hand. Size approx 2x1 cm. Red colour Adv. X-Ray left hand ortho opinion.”
7. However, none of the injuries is stated to be an incised wound. This Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 1 year, 8 months and 15 days. Conclusion of trial is likely to consume time inasmuch as all the PWs, pursuant to summoning of additional accused, are yet to be examined. The petitioner otherwise is stated to be having a clean record. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.03.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No