

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

247

2023:PHHC:148893

CRA-S-2944-2023

Date of decision: November 22nd, 2023

Abhishek

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yash Dev Kaushik, Advocate
for the appellant.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

As per office report, respondent No.2 has been served through his brother, however, there is no representation on his behalf.

2. The appellant is impugning the order dated 06.10.2023 passed by learned Additional Sessions Judge, Faridabad, whereby his application under Section 439 Cr.P.C. for grant of regular bail in case FIR No.212 dated 29.04.2023 under Sections 323 325 506 34 of the Indian Penal Code, 1860 and Sections 3 (2) (va), 3 (1) (r), 3 (1) (s) of the SC/ST Act registered at Police Station Adarsh Nagar, Ballabgarh, has been dismissed.

3. Learned counsel for the appellant submits that a highly exaggerated version has been brought forth in the FIR in question, which has been annexed as Annexure A-1; allegedly the petitioner was accompanied by co-accused when they stopped the car of the complainant and not only indulged in casteist utterances against him but also inflicted injury with a baseball club on his person. Learned counsel submits that the falsity of the prosecution version is also evident from the MLR of the complainant, which has been annexed as Annexure A-2, wherein it finds reflected that in fact, it was the complainant himself, who was inebriated and furthermore, all the alleged injuries inflicted

upon him were opined to be simple in nature.

4. Learned counsel appearing for the State, on instructions, while opposing the prayer of the counsel opposite has not been able to dispute that as per the MLR, the doctor had observed that smell of alcohol was coming from the complainant, however, learned counsel has submitted that it clearly stood reflected in the MLR that the complainant was conscious and well oriented. Learned State counsel has further contended that the appellant was armed with a baseball club with which he inflicted injuries on various parts of complainant's body, which though admittedly were blunt simple injuries. It has further been submitted that after the challan was presented, charges were framed on 17.11.2023 and now the next date of hearing is 27.11.2023 when the prosecution evidence is likely to commence.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Appellant has been in custody since 27.07.2023; all the offences except the offence under the SC/ST Act are bailable; the injuries attributed to the appellant are simple in nature. Thus, further incarceration of the appellant would serve no useful purpose.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The appellant be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 22nd, 2023

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No