

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

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2023:PHHC:150514

CRM-M-58492-2023

Date of decision: November 24th, 2023

Harvinder Singh alias Kaka

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana.

Mr. Manvinder Sidhu, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.208 dated 06.07.2022 registered under Sections 148, 149, 323, 325, 452, 506, 307, 120-B of the IPC registered at Police Station Chhappar, District Yamuna Nagar.

2. Learned counsel for the petitioner, *inter alia*, contends that false and fabricated case has been planted upon the petitioner for having allegedly entered the house of the complainant on 05.07.2022 along with co-accused, with iron rods and then having inflicted injuries on Daljit Singh, father of the complainant. It has been further contended that delay of almost one day in the lodging of the FIR in question (Annexure P-1) clearly hints towards the innocence of the petitioner. It has still further been urged that no doubt, the petitioner was named in the FIR but on a perusal of the same, it stands revealed that no specific role or injury has been attributed to him in the alleged

occurrence, rather in the disclosure statement suffered by a co-accused, the petitioner is stated to have only inflicted fist blows on injured-Daljeet Singh. Learned counsel has thus, prayed that the petitioner be enlarged on bail as he has now been in custody since 05.09.2022 and the prosecution evidence has still not concluded; both the material witnesses i.e. the complainant and injured-Daljeet Singh already stand examined. Hence, his further incarceration would serve no useful purpose.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted, on instructions, that in fact, the petitioner was the main player in the crime in question; he came to the spot armed with a lethal weapon and thereafter inflicted injuries on the head of injured-Daljeet Singh with an iron rod. The injuries inflicted by the petitioner were declared to be dangerous to life. It has been submitted that the co-accused, who had been enlarged on bail, had not been attributed any injury inviting the mischief of Section 307 of the IPC but had been attributed only simple injuries with fist blows; one of the co-accused-Baljinder Singh, who had been enlarged on bail, had been attributed an injury on the nose of injured-Daljeet Singh, hence, the petitioner could not claim parity with the co-accused for being enlarged on bail. It has also been further submitted that since all the material witnesses stand examined and evidence of only formal witnesses remains to be recorded, there is every likelihood that the trial would not take much time to conclude. A prayer has, therefore, been made for dismissal of the present petition.

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

5. A perusal of the FIR, *prima facie*, reveals that it was a premeditated attack carried out by the petitioner and others upon injured-Daljeet Singh, who was running a poultry farm after retiring from the Army; since the poultry farm was doing good business, it did not go down well with co-accused Balbir Singh alias Bobby, who too was in the same business and it was in that background, all the accused including the petitioner, after trespassing into the house of injured-Daljeet Singh, launched an unprovoked attack on the complainant party. The petitioner, who was named in the FIR, has been attributed specific injuries on the head of injured-Daljeet Singh, which was opined to be dangerous to life. The injured was removed to the hospital soon after the occurrence in question and since the injuries sustained by the injured were serious, he was then referred to a bigger hospital on the same night. It was thereafter, the FIR came to be lodged. The contention of learned counsel for the petitioner of petitioner's false implication and fabricated case having been brought forth against him, *prima facie* does not come across as believable in the light of his name being specifically mentioned in the FIR as also the injuries attributed to him. As submitted by the learned State counsel, only formal witnesses remain to be examined. Hence, there is every likelihood that the trial would be concluding shortly.

6. In the facts and circumstances as enumerated hereinabove, petitioner does not deserve the concession of bail. The instant petition, therefore, stands dismissed.

7. 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 24th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No