

CRM-M 61048 of 2022

2023:PHHC:050812

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M 61048 of 2022

Decided on:12.04.2023

Pardeep @ Kala

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Ashish Rana, Advocate and
Mr. S.K. Rana, Advocate, for the petitioner.

Mr. R.S. Nain, DAG, Haryana.

Mr. Chandeeep Singh, Advocate for the complainant.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.241 dated 11.11.2022, under Section 323, 324, 326, 506, 34 and 201 IPC, registered at Police Station Sadar, Panipat, Haryana.

The allegation levelled in this case are that on 10.11.2022 at 9.30 PM the complainant and his brother were present outside their house. The accused were hurling abuses at the villagers and using filthy language. The brother of the complainant objected, upon which they had a scuffle with the complainant and his brother. Few villagers intervened and both the parties were sent to their home. At about 10 PM his brother Dinesh was going on his motorcycle for work. When he crossed the house of the accused, they were already waiting for him and attacked him with knife,

lathi, rod, danda. On hearing the noise, complainant reached the spot and found that his brother was seriously injured on his stomach, ear and head. He was unconscious. When he tried to pick him up, accused Kala and Ashish @ Mogali hit the complainant on his head and hand with lathi.

Learned counsel for the petitioner submits that as per MLR dated 10.11.2022 there are total three injuries. Injury No.1 and 3 are sharp and injury No.2 is caused with blunt weapon. No injury has been attributed to the petitioner. He further submits that no recovery is to be effected from the petitioner. Accused party and others also received injuries. A complaint was filed but no action was taken by the police. He submits that the petitioner is in custody since 27.11.2022. Statements of PW1-Deepak (injured) and PW2-Dinesh Kumar (Complainant) were recorded and their further examination-in-chief is deferred as application under Section 319 Cr. P.C. was moved by the complainant. The co-accused Ankit and Amit have already been granted regular bail by the learned trial Court vide orders dated 31.03.2023 and 05.04.2023 respectively. Challan in this case has already been presented.

On the other hand, the prayer is opposed by learned State counsel. He submits that accused actually participated in the crime, so, he is not entitled for bail but he has fairly admitted that accused is in custody since 27.11.2022.

Heard.

The petitioner is in custody since 27.11.2022 and application under Section 319 Cr. P.C. is filed by the complainant to summon many other accused. Co-accused Ankit and Amit have already been granted the concession of regular bail by the learned trial Court and no injury with sharp

CRM-M 61048 of 2022

**2023:PHHC:050812
#3#**

edged weapon is attributed to the petitioner. In view of the above, without commenting anything on the merits of the case and taking into account the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is *allowed*. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Judge, concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

12.04.2023
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**(GURBIR SINGH)
JUDGE**

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