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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-2490-2024 (O & M)
Date of decision: 23.01.2024

Satish Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Daljeet Singh Virk, Advocate, for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.24 dated 16.01.2022 under Sections 323, 325, 506 and 34 IPC (Section 307 IPC added later on) registered at Police Station Rania, District Sirsa.

2. The present FIR came to be registered at the instance of Sagar son of Rajender Singh and reads as under:-

“Statement of Sagar son of Rajender Singh son of Amar Singh residents of Dhani Modawali. Police Station Rania Sirsa, aged about 26 years, mobile no. 86074-47975. Stated that, I, am resident of above said address and is doing agriculture work. We are two brother and both are married. I have friendship with Rajbir son of Ramji Lal residents of Mehna Khera. On 14.1.2022 I had gone to the house of my friend Rajbir at Mehna Khera. Pardeep son of Balkishan resident of Sirsa and Sehdev son of Dalip were present in the house of Rajbir. At about 7:15 PM. Vikas Kumar @ Vicky son of Om Parkash, uncle of Rajbir came there and told all of us that an altercation between him and his neighbouer Baljit son Daulat Ram took

place and Baljit abused him. Upon this I, along with my friend Rajbir, Pardeep resident of Khariya and Pardeep son of Bal Krishan, resident of Sirsa, Sehdev son of Dalip Kumar while sitting in the car of Pardeep went to the house of Baljit son of Dault Ram in order to talk with him. Vikas @ Vicky followed the car on foot. At some distance to the house of Baljit we got stopped the car and I, Rajbir and Sehdev alighted from the car. My friend Pardeep, resident of Khariya and Pardeep son of Bal Kishan returned back to the house of Rajbir along with car. Vikas Kumar son of Om Prakash uncle of Rajbir also came there. When I, Rajbir, Sehdev son of Dalip, Vikas Kumar son of Om Parkash, reached in the street of Baljit son of Daulat Ram, Baljit son of Daulat Ram was standing in the street in front of his house. Then I asked to Baljit son of Daulat Ram that what happened, but Baljit started talking loudly and his family also came out from the house. Then I asked Baljit not to speak loudly. Upon this Baljit son of Daulat Ram gave a blow of iron rod on my head, account of which I fell down. Thereafter Joginder son of Daulat Ram gave danda blow on the wrist of my left hand, when I was falling down. Thereafter Satish son of Daulat Ram tried to hit danda blow then, I, raised my hand and it hit on my right eyebrow. Rajbir's uncle Sehdev son of Dalip came to save me, then Krishan Kumar son of Sharwan Kumar gave danda blow on the head of Sehdev. Then there was a lot of noise of fight in the street and on seeing lot of blood oozing from my head. Baljit son of Daulat Ram, Joginder son of Daulat Ram, Satish son of Daulat Ram, Krishan Kumar of Sharwan Kumar ran away from the spot with their weapons while extending a threat of life to me. Then my friend Rajbir arranged a vehicle and admitted me and his uncle Sahdev to the Government Hospital in Sirsa, I, was referred by Dr. Saheb because of my serious injury and Rajbir's uncle Sahdev was discharged after giving him bandage because he has less injury, then Rajbir got me admitted in City Health Care Hospital, Sirsa

for treatment. The injuries has given to me and my friend Rajbir's uncle Sahdev by Baljeet, Joginder, Satish, son of Dolat Ram and Krishna Kumar son of Shravan Kumar residents of Mehna Kheda unnecessary without any reason, strict legal action should be taken against them. I could not record statement on 15.01.2022 due to excessive injuries, today have come, I, have got recorded my statement to you in front of my father Rajendra, which is correct, I have read my statement and heard it, It is correct. Sd/-/ Sagar Sd/- Rajendra”.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. In fact, it is a case of version and cross-version and a cross-case bearing FIR No.0025 dated 16.01.2022 under Sections 147, 149, 323, 452 IPC, Police Station Rania, District Sirsa had been registered against the present complainant party. It was the present complainant party which was the aggressor side. However, taking the allegations to be correct, the opinion regarding the offence being one which was dangerous to life had been obtained from a private hospital. As the petitioner was in custody since 03.10.2023 and none of the 17 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner was the main accused and therefore, looking at the nature of the allegations levelled against him, he was not entitled to the concession of bail. He, however, concedes that it is a case of version and cross-version, that the petitioner was in custody since 03.10.2023 and none of the 17 prosecution witnesses have been examined so far.

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

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6. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, he is in custody since 03.10.2023 and none of the 17 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Satish is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 23, 2024
sukhpreet

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No