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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3259-2023
Date of decision : 08.05.2024

RAMESH CHANDERPetitioner

Versus

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kshitij Bharati, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Prateek Rathee, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Section 439(2), the petitioner assails order dated 14.08.2020 passed by Ld. Addl. Sessions Judge, Gurugram whereby respondent No.2 has been ordered to be admitted to bail in FIR No.194 dated 07.06.2020 registered for the offences punishable under Sections 147, 148, 323, 325, 307, 506, 120-B IPC and Sections 25/54/59 of Arms Act, at Police Station Bilaspur, District Gurugram.

2. At the behest of the petitioner the aforesaid FIR came into being wherein the petitioner alleged that on 6th of June, 2020 he was hit by the



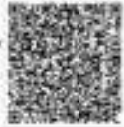
respondent/accused who was riding car. It was further alleged that respondent No.2 hit the petitioner with *fersi* on the right foot leading to amputation of the thumb. Respondent No.2 was arrested. He filed application under Section 439 of the Cr.P.C. seeking bail. Trial Court vide order dated 14th of August, 2020 admitted respondent No.2 to bail observing as under :

“xxx

3. The petitioners are in judicial custody since 10.06.2020. From the perusal of the medical record, no case under section 307 IPC is made out against the accused persons. Further the trial of the case take sufficient time to conclude and no useful purpose would be served by keeping them behind the Bar. Hence withing commenting on the present case, the petitioners/accused are admitted to bail on their furnishing bail bonds in the sum of ₹ one lac with with surety each of the like amount to the satisfaction of the learned trial/Duty Magistrate. Xxx”

3. In the considered opinion of this Court the Court below while granting bail to the respondent/accused rightly relied upon the medical record. Even the injury alleged to have been suffered by the petitioner is on non-vital part. Without further commenting on the merits of the case less the same may prejudice the case of either of the parties, this Court is of the considered opinion that no fault can be found with the order dated 14.08.2020.

4. Coming on to the second plea raised by counsel for the petitioner w.r.t. invocation of Section 439(2) of the Procedure Code on the ground that after release respondent No.2 indulged in criminal activities



against the petitioner which led to registration of FIR No.0506 dated 1st of December 2022 registered for the offences punishable under Sections 34, 427, 447 IPC at Police Station Bilaspur, District Gurugram, State Counsel has informed the Court that after investigation, the allegations have not been found to be true and the cancellation report has been prepared.

5. In view thereof, this Court does not find any merit in the present petition. Resultantly, the same is dismissed.

May 08, 2024

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No