



293 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-5792-2024
Date of decision: 4th July, 2024

Laxman
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepanshu Matya, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

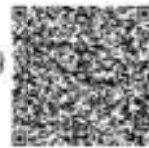
MANISHA BATRA, J (ORAL):-

This is the third petition as filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
88	07.03.2022	Chandhat, District Palwal	148, 149, 323, 506 and 307 of IPC, 1860

Previous two petitions filed by the petitioner had been dismissed as withdrawn.

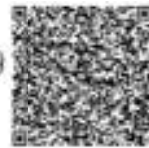
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint filed by the complainant Parveen alleging therein that on 06.03.2022 at about 10:00 PM, he along with his father Mahavir was going towards his house on his motorcycle and when they reached in front of the village temple, a car make Haiwa was parked between the road and the petitioner along with co-accused Mohit, Chintu, Sunil and Sandeep was found consuming liquor while sitting on the way. The complainant asked



him to not to block the way and let them go. On hearing so, the petitioner and his companions felt offended and started hurling abuses to them by forcefully detaining them. Then accused Sandeep @ Bhola called other accused namely Pardeep, Amit and Nepal who came at the spot armed with sticks, iron rods and axes and opened an attack upon exhortation given by the petitioner to kill them. The petitioner who was having an axe in his hand gave a blow with the same on the head of his father with an intention to kill him. The other accused also caused injuries to his father. The complainant tried to rescue him but he too sustained injuries at their hands. Thereafter, the assailants fled away. The complainant somehow informed his cousin and then they were rushed to the hospital. He alleged that his father was still under treatment. After registration of FIR, investigation proceedings were initiated. During investigation, offence under Section 307 of IPC was added, as per the report received from the doctors. The petitioner was arrested on 07.04.2022. The co-accused were also arrested. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for the commission of the aforementioned offences. He had filed an application for grant of bail before the learned trial Court which was dismissed on 19.12.2022.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 07.04.2022. The trial is likely to take time.

No case for commission of offence punishable under Section 307 of IPC has



been made out. A false recovery has been planted upon him. Infact, a quarrel had taken place between both the parties and members of both the parties had sustained injuries. The petitioner had also sustained a grievous injury in the occurrence. Co-accused have since been granted benefit of bail. On the ground of parity, he too deserves to be extended the same benefit. The material witnesses have since been examined. A case bearing FIR No. 110 dated 21.03.2022 was registered on the complaint of Prem Singh. It was a case of version and cross-version. The petitioner has a permanent abode. There are no chances of his absconding. Therefore, it is argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. He is a habitual offender and is involved in three more cases of similar nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. There are also chances of his intimidating the witnesses, who are yet to be examined. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have opened an attack upon the injured Mahavir on the fateful night and is further alleged to have

caused simple as well as grievous injuries to him, one of which was opined to be dangerous to life. The material witnesses have since been examined. The petitioner is in custody for a period of more than two years. The conclusion of the trial is likely to take time. The co-accused have been extended benefit of bail. The injury on the person of the victim which was opined to be dangerous to life might not have been attributed to the co-accused, however, with the aid of Section 149 of IPC, they were equally liable for the occurrence. As such, on the ground of parity, at this stage, the petitioner can be extended benefit of bail. Taking all these facts and circumstances into consideration, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to the condition that he would not try to contact or intimidate the material prosecution witnesses during the course of trial and if he does so, then the trial Court would be at liberty to get his bail cancelled.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th July, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No