



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-20791-2024
Date of decision : 28.05.2024

Arjun Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. This is a second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.22 dated 10.01.2023, registered for the offences punishable under Sections 148, 149, 323, 307 and 506 of IPC, 1860 at Police Station Industrial Sector 29, Panipat, District Panipat.

2. As per the contents thereof, it has been alleged as under:-

“xxx It is submitted that I Vijay S/o Lehna Singh Lathwal is resident of Krishanpura, Panipat. On 07.01.2023 at around 6 PM I was going from my house to the shop of Deepak Barber. When I reached near Radha Krishan Dharamshala then I met Pardeep Bakrewala who was already known to me and he was accompanied by Sarfraj @Penna, Arjun, Karan, Kaku. All of them were armed with rod, gandasi. Pardeep started asking for Rs. 5000 to 7000 from me. I told me that you can take it from me. In the meanwhile Pardeep intervened by stating

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that you have lot of money. On stating so Sarfraj put his hand in my pocket, however I refused him to do so, then Sarfraj hit the rod on my back which was in his hand and Pardeep, Karan, Kaku caught hold of me and Arjun hit me with the gandasi with the intention to kill me. Resultantly I fell down and they give beating me with fist and leg blow. In the meanwhile lot of people gathered there and the accused ran from the spot after threatening me for life. My family members took me to hospital and I am under treatment at Sardana Hospital, Panipat. Necessary action may kindly be taken against the accused. Sd/ Applicant Vijay Singh dated 09.01.2023, M.No. 7253980770.”

3. Reply by way of affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Traffic, Panipat has been filed on behalf of the respondent-State. As per the same, the role of the petitioner has been culled out in following terms:-

“xxx xx

3. That the role of the petitioner, namely Arjun, is that he took a meat cutting knife from the shop of co-accused Pardeep and thereafter, hit on the head of the injured/Complainant namely Vijay with it. It was found during investigation that the petitioner had used meat cutting knife for causing injuries on the head of the victim and the complainant has used the term gandasi for it in his complaint. It is further revealed that the meat cutting knife was thrown by the petitioner at the spot after the fight and it could not be traced as the FIR was registered on 10.01.2023 i.e. after three days of incident. It is pertinent to mention here that the head injury as also

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revealed from the MLR, Annexure P- 2, is attributed to the petitioner.”

4. Counsel for the petitioner submits that allegation against the petitioner is of having caused injury with gandasi without specifying where the petitioner hit the complainant. The other allegation of hitting the victim is against Sarfaraj. 03 injuries were found to be on the person of victim. After iron pipe was recovered from Sarfaraj, medical opinion was sought by the investigating agency and the response thereof reads as under:-

“It is submitted that accused Sarfraj @ Penna son of Mohammed Iliyas resident of Shastri colony Panipat has got recovered iron pipe used by him for causing injury on the head of the complainant. Opinion may be given as to whether injury suffered by Vijay can be caused by iron pipe.

Sd/- Chowki Kishanpura Panipat 15.02.2023

All injuries mentioned in MLR no.5 dated 07.01.2023 of Mr Vijay son of Lehna Singh Lathwal had been caused by iron pipe weapon police m.S with one seal MS. I opened the sealed pulanda which have iron pipe of length 31.5 inch and it is initialed by me and resaeled with VS seal.

All these injuries caused/mentioned in PLR can be caused by weapon (iron pipe mentioned above) can not be ruled out.”

5. He thus submits that apart from bald allegation, there is nothing against the petitioner. Sarfaraj already stands admitted to regular bail vide order dated 09.01.2024 passed in CRM-M-64861-2023.

6. State counsel has produced the custody certificate. As per the same, the petitioner has undergone more than 01 year, 03 months

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and 29 days and till today, only 01 out of the 15 cited witnesses could be examined. The trial is at nascent stage and is not likely to conclude in the near future.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

28.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No