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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-23133-2024
Date of decision : 14.05.2024

Anil Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ankit Chaudhary, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.325 dated 11.08.2023, registered for the offences punishable under Sections 323, 324, 34, 341 and 506 of IPC (Sections 307 and 325 of IPC added later on) at Police Station Matlauda, District Panipat.
2. As per the contents of the FIR, it has been alleged as under:-

“Copy of application To, SHO Sir, Police Station Matlauda. Sir, it is requested that I am Sukhbir son of Sh. Ram Niwas resident of village Nara. I work as an operator in JIO Company. On 05.08.2023, I was returning home after late night duty at the tower around 11.30 PM when I suspected that someone was following me. Then I get a call from my brother asking when will I come

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home, so I told my brother Sombir that I am scared, come pick me, then my brother comes to me, I was scared, my brother said, let's go home. We, both brothers were going toward home on foot, then near Jai Singh house, Satbir son of Jai Singh, Satbir's wife and his son Anil who was having knife in his hand and Satbir was having danda in his hand were standing in the street. They all stopped me, showed me a knife and took me inside the house and my brother followed me, in which Satbir and Satbir's wife caught hold of my brother and Satbir abused him and said, kill this dwraf. And Anil attacked me with a knife due to which I got deep injuries on my chest, waist and left arm. Then I and my brother started shouting, then due to fear of people they got us out and closed the gate and said that if you get treated in any hospital or file an FIR, then I will kill you. Then my brother Sombir brought the bike from home and family members also came and then took me to Safido in Anuj Hospital. My brother Sombir got me treated. On 6-8-23, he brought me to Badridas Hospital, Panipat and kept me in Badridas Hospital, Panipat till 8-8-23. After that, on 8-8-23, My family members brought me to Aadhar Hospital, Barsat Road, Panipat, got me admitted, got my MLR done in Aadhar Hospital and informed the police, now I am in good consciousness. Just two days after the incident, Satbir's younger son Sunil, who is going to America, he called my elder brother Kaptan on WHATSAPP and threatened him that if FIR is lodged then he will enter the barber's house and kill the little children. I request you to

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take strictest action against him. My family is in danger from them.”

3. Counsel for the petitioner submits that there is unexplained delay of 06 days in registration of the FIR, that too when the injured was being accompanied by his brother. He refers to the medical record to show that the petitioner got admitted in one Anuj Multispecialty Hospital only on 06.08.2023 at 10.05 a.m. Further refers to Annexure P-3 i.e. the medical record of Shri Badri Dass Hospital, wherein the reason for coming to hospital reads as under:-

“fall from height RT side chest pain.”

4. He thus submits that it is a clear case of false implication and submits that other aspect that gives fatal blow to the case of the prosecution is that the fact that as per the contents of the FIR, victim claims to be accompanied by his brother, but there is nothing on record that any effort was made by the brother of the victim to rescue him or that the brother received bruise or abrasion in whole of the incident.

5. Petitioner is behind bars for more than 08 months and 20 days. Challan stands presented.

6. State counsel is not in a position to dispute the aforesaid fact.

7. Keeping in view the parity and the incarceration already suffered by the petitioner, 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.

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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

14.05.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No