

2024:PHHC:104773



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25929 of 2024
Date of Decision: 12.08.2024

Parmod ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jatin Bansal Kotshamir, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
39	21.01.2024	Ladwa, District Kurukshetra	148, 149, 307, 323 and 506 of IPC

2. Facts relevant for the purpose of disposal of the present petition are that on 20.01.2024 on receipt of a ruqa regarding admission of the injured complainant Rajesh Sharma and Surjit in Government Hospital, Ladwa and then about referring them to Civil Hospital, Kurukshetra, a police party reached at the Civil Hospital, Kurukshetra on 21.01.2024 and recorded statement of complainant Rajesh Sharma who was admitted therein to the effect, that he was running a brick kiln at Village Bani. On 19.01.2024, he had removed the services of his driver

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Rakesh as he was not performing his job satisfactorily. On 20.01.2024 at about 5:15 PM when he was present in a brick kiln then the petitioner-Parmod along with the co-accused Rakesh, Sahil, Suraj and Nirmal reached in his brick kiln. At that time, the complainant was having conversation with his accountant Surjit with regard to clearance of the account of the accused Rakesh. The petitioner-Parmod while proclaiming as to who he was to clear their accounts, opened an assault upon the complainant and Surjit. Due to fear, the complainant rushed towards his office to inform the police. Then all five of them started assaulting Surjit. The complainant along with witnesses Vikram and Sanjay Kumar tried to rescue Surjit but he was pushed on the ground. Thereafter, accused Rakesh tried to run the complainant over with a tractor by driving the same, with an intent to kill him. The petitioner-Parmod and co-accused Sahil, Suraj and Nirmal gave him kicks while he was lying down. Accused Sahil struck a blow with danda. The petitioner-Parmod took a sum of Rs.90,000/- from his pocket and then all of five fled from the spot while extending threats to him. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested in this case on 23.01.2024. The remaining accused were also arrested. The investigation has since been completed and challan stands presented. The petitioner had moved application for grant of regular bail before the trial Court which had been dismissed vide order dated 15.05.2024. He has been extended benefit of interim bail in this case vide order dated 27.05.2024.

3. It is argued by learned counsel for the petitioner-Parmod that he has been falsely implicated in this case. He was arrested in this case on

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23.01.2024 and had been ordered to be released on interim bail on 27.05.2024. The allegations that he had taken a sum of Rs.90,000/- from the pocket of the complainant stood falsified from the supplementary statement of the complainant himself as recorded on 19.03.2024 (Annexure P-3) wherein he admitted that he had kept the abovesaid amount in the drawer of his office and the same had not been taken away by the petitioner. Infact the petitioner had sustained injuries in the occurrence and had remained admitted at Government Hospital, Ladwa and then to Government Hospital, Kurukshetra. He was arrested on 23.01.2024 on his discharge. The injuries on the person of the complainant have been opined to be simple in nature. Though he had been medico legally examined but no case was registered against the complainant, he being an influential person. No specific overt act which amounted to commission of offence punishable under Section 307 of IPC has been attributed to him. He has not misused the concession of interim bail. The trial is likely to take time. Therefore, it is urged that the petition filed by him deserves to be allowed.

4. Per contra, it is argued by learned State counsel that keeping in view the severity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

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

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have opened an assault upon the complainant

Rajesh Sharma and his accountant Surjit on the evening of 20.01.2024 and is

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further alleged to have caused injuries to him. The role as attributed to the petitioner was that he along with the accused Sahil, Suraj and Nirmal had given kicks to the complainant when he was lying down on the ground. The petitioner has placed on record copy of bed head ticket showing that he was admitted in hospital on 20.01.2024 and was discharged on 23.01.2024 and at that time, he was taken into custody. The injuries on the person of the victim/complainant have been opined to be simple in nature and the allegation that the complainant was tried to be run over by a tractor had not been made as against the present petitioner. There is nothing on record to show that the petitioner has misused the concession of interim bail granted to him in terms of order dated 27.05.2024. Keeping in view the period of incarceration of the petitioner, the role attributed to him, the fact that he too was injured in the same incident and taking into consideration, the attendant facts and circumstance of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. The same is accordingly allowed. The benefit of interim bail granted vide order dated 27.05.2024 to the petitioner is confirmed. It is hereby clarified that the petitioner shall furnish personal and surety bonds before the learned trial Court if they are not so furnished in pursuance of order dated 27.05.2024 so far.

12.08.2024
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

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