



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.26278 of 2024
Date of decision: 5th August, 2024

Dharmender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.366 dated 25.10.2023 under Sections 148, 149, 307, 323, 325, 452, 506 of the IPC (Section 307, 325 IPC added later on) registered at Police Station Sadar Rohtak, District Rohtak.

2. Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from the medico-legal report of the injured Chhotu Ram (Annexure P-3). He has argued that as per the allegations levelled in the FIR in question, the petitioner gave repeated blows with a stick on the head of injured Chhotu Ram, however, as per the MLR of Chhotu Ram (Annexure P-3), there was just a single injury on his head. It has been submitted that there was no categorical opinion also on record of any doctor qua the said injury



being dangerous to life. Learned counsel has further submitted that since investigation in the case in hand is complete and charges also framed, further incarceration of the petitioner, who has now been in custody for the last eight months, having been arrested on 06.12.2023, would serve no useful purpose as none of the 13 prosecution witnesses have been examined so far.

3. On a pointed query, learned counsel for the petitioner has submitted that the petitioner has clean antecedents and is not involved in any other criminal case.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has reiterated the allegations levelled in the FIR in question, which has been reproduced as under:

“Respected SHO, Ghalod, Rohtak, it is stated that I Sandeep Kumar son of Chhotu Ram resident of Rithal Narwal and does agricultural work. Kishan Lal son of Gyani Bairaagi lives in front of our house in our village. His son is Loafer. Boys outside the village keep coming to him, yesterday on 24.10.2023 at around 8:30 PM Dharmender was looking at our house. My wife and my daughter were present in our house. When my wife stopped him from looking at our house then Dharmender started saying ill words to my mother then my mother came back to our house. After some time Dharmender called me and started saying ill words and said I will see you, after



sometime Dharmender along with his family and 8 to 10 boys came to our house by breaking our door. My father was present at my house when my father was attacked upon with lathi, danda and sharp edged weapons. When I came from the room upstairs I recognized Kaptan son of Ramulu, Chintu, Sunny and some other boys were there whom I did not know, the same attacked me and my family in which I along with my father and my son were injured and after hearing this my brother Sunil and uncle's son came at the spot, all the accused along with wooden stick in their hand ran away. While going they said you are spare this time, if seen again then we will eliminate you. Kindly take strict legal action against the accused persons. I have presented to you complaint. Sandeep son of Chhotu Ram”

5. Learned State counsel has, however, not been able to controvert that as per the MLR of injured Chhotu Ram, there was just a single injury on his head. It has also not been disputed that the petitioner has no criminal antecedents.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner has now been in custody since 06.12.2023. The trial is unlikely to conclude in the near future as 13 prosecution witnesses have been cited and the prosecution evidence is likely to commence on 06.11.2024. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail



to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 5, 2024
rps

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