



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

CRM-M No.27755 of 2024
Date of decision: 22nd August, 2024

Aman

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Karan Garg, 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.198 dated 10.04.2022 under Sections 148, 149, 307, 324, 120-B of the IPC and Section 42 of the Prisons Act, 1894 registered at Police Station Bhiwan Sadar, District Bhiwani.

2. Learned counsel for the petitioner submits that a false and fabricated case having been planted upon the petitioner is evident from the fact that the allegations levelled in the FIR qua the petitioner do not find corroborated with the medical evidence on record. Learned counsel has firstly drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1, and submitted that the petitioner was alleged to be armed with an awl with which he inflicted an injury on the waist of



the complainant. Learned counsel has submitted that as per the allegations levelled in the FIR in question, there were three injuries caused on the waist of the complainant with an awl by three different persons, however, the MLR which has been annexed as Annexure P-9 clearly reveals that all the three injuries sustained by the complainant are nowhere near the waist of the complainant but are incised wounds on the forehead as well as on the cheek and left scapular region. Learned counsel has submitted that in the circumstances, it is abundantly clear that the petitioner is innocent and had not participated in the crime in question. It has also been submitted that since all the material witnesses have been examined, further incarceration of the petitioner in the present case would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Suresh, has reiterated the allegations levelled in the FIR in question, which stands reproduced hereunder:

“Sir, It is requested that I Krishan son of Ved Parkash, am the resident of Kuwari. I and Parveen son of Ram Niwas, resident of Balawas are confined in Bhiwani jail since 21.09.2018 in FIR No. 428/18 under Section 302 IPC, Police station Tosham. I am confined in barrack No.2. I talk at home at phone No. 9992474000 in the evening. Today on 09.04.2022 at 5.00 PM, I was going to talk at above phone from the SID, then from the behind, Parmod



son of Balwan, village Badesra carrying sharp knife and awl, Virender son of Dayanand, village Paluwas carrying sharp knife, Mandeep son of Rajender Dhana, Pawan son of Balwan Badesra, Jagmat son of Dilbag, Aman son of Wazir village Badesra, Virender resident of Badesra, Parvinder Fauji resident of Tiwala, Dhara resident of Bhiwani carrying sharp cutter, attacked on me with the intention to kill me. Parmod hit on my forehead with the cutter. Virender hit on the right ear with the cutter, Mandeep resident of Dhana hit on the waist with the awl. Pawan and Jagmat hit the awl on both my hands. Aman and Virender hit on the waist with awl. Parvinder and Dhara picked up fight with awl, which hit on my forehead. I raised hue and cry. Then Manjit Prem Nagar and Bhagat Singh resident of Ranila and the children of 2-3 miners and Surjit and Vinay warden rescued me. Then I got admitted in the hospital. Then referred me to Civil hospital. The doctor treated me and referred me to Rohtak. My trial is in the court of Rajni Yadav. The date of hearing is 28.04.2022. 6-7 witnesses have been examined. Parmod, Virender and Mandeep, Pawan, Jagmat, Aman, Virender, Parvinder, Dhara have inflicted injuries to me with the intention to kill me. Legal action be taken against them. The blood stained T-shirt has been produced to you.”

4. Learned State counsel has, however, on instructions not been able to dispute that in the MLR of the complainant, which has been annexed as Annexure P-9, there is no injury sustained by him on his waist much less any punctured wound which could have been caused



with an awl. Stage of the trial has also not been disputed by the learned State counsel, on instructions from SI Suresh. It has further been submitted that the petitioner is involved in four other criminal cases, including one conviction under Section 302 IPC, for which he is in custody and serving his sentence. Learned State counsel has still further submitted that it is while undergoing his sentence of imprisonment in case FIR No.132 of 2017 that the petitioner participated in the crime in question inside the jail.

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

6. The petitioner has now been in custody since 18.05.2022 in the present case. All the material witnesses including the injured/complainant stand examined. Possibility of the trial concluding in the near future seems unlikely as 5 more prosecution witnesses remain to be examined. 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.



7. 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 22, 2024
rps

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