



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

**CRM-M-30882-2024  
DECIDED ON: 05.07.2024**

**ROHTASH AND ANR**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. S.K. Verma, Advocate  
for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

**SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR No.134, dated 27.06.2023, under Sections 148, 149, 323 and 341 IPC and later on added Sections 325 and 307 IPC, registered at Police Station Alewa, Tehsil Alewa, District Jind.

2. Learned counsel for the petitioners contends that the medico legal report indicate no injury as such was caused with any sharp edged weapon. However, petitioner No.1 has been attributed lathi blow and petitioner No.2 has also been attributed gandasi blow on the head of the complainant. On the strength of aforesaid factual aspects, learned counsel for the petitioners submits that the complainant has turned hostile while appearing in the witness-box as PW-3, therefore, in all probability the

petitioners are likely to be acquitted by the trial Court on the conclusion of the trial.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioners today in Court, which is taken on record. He seeks dismissal of the instant petition urging that there are total five injuries on the head of the complainant having laceration but he could not controvert the fact that there is no injury with sharp-edged weapon on the head as alleged to be caused.

4. Having heard learned counsel for the parties and the nature of injuries as pointed out by the State on the basis of medico legal report, *prima facie* seems that none of the injuries has been declared dangerous to life which may be grievous in nature and prosecution story also cannot be ruled out to be filled with doubts.

5. In the light of the fact that allegations qua petitioner No.2 is categorical that gandasi blow was given on the head of the complainant and it is beyond any stretch of imagination to believe that gandasi blow will not cause any serious injury on the head wherein only lacerations have been pointed out and also the fact that the complainant has turned hostile during the course of trial added with the fact that the conclusion of trial will take a long time, as out of total 12 prosecution witnesses only three witnesses have been examined and nine witnesses are still to be tested in the witness-box.

6. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioners, this Court is obvious of the fact that the petitioners cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of criminal jurisprudence i.e. "*bail is a rule and jail is an exception*", as has

been held by Division Bench of this Court in “*Rajinder Singh versus State of Haryana*”, 2022(2) RCR (Criminal) 85 as well as by the Apex Court in “*Dataram Singh vs. State of Uttar Pradesh & Anr.*”, 2018(2) R.C.R. (Criminal) 131 apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

7. Therefore, the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. In the afore-said terms, the present petition is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)  
JUDGE

05.07.2024  
Poonam Negi

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |