



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

Date of decision: 10.12.2024

....Petitioner

....Respondent

Learned counsel for the petitioner submits that the petitioner, who has been in custody since 20.01.2024, has been falsely implicated in the present case and alleged to have inflicted blow with an iron rod on the leg of the complainant. It has been further submitted that although challan stands presented against the petitioner, however, till date, charges have not

yet been framed and hence, trial would take considerable time to conclude, more so, when as many as 29 witnesses have been cited by the prosecution. It has also been asserted by the learned counsel that the petitioner has no previous criminal antecedents.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has reiterated the allegations levelled in the FIR, in question, which has been annexed as Annexure P-1 and is reproduced hereinunder:-

“To the SHO, Police Station Rozka Meo District Nuh. Subject:-complaint against (1) Raunak son of Hukam Singh (2) Sachin son of Sanjay (3) Sanjay son of Brij Mohan (4) Parveen son of Mahesh (5) Ankit son of Vikram Lohar (6) Pawan son of Vijay Pal (7) Parveen son of Om Pal (8) Vijay Pal son of Rattan Singh, all residents of village Bhirawati, Police Station Rozka Meo, District Nuh, for taking legal action. Respected Sir, I Amar Singh son of Sh. Gian Singh r/o Villae Bhirawati, Police Station Rozka Meo, District Nuh. I work as agriculturist, earlier also the above said accused persons had beaten up my nephew Lokesh @ Rocky wherein One FIR had been registered. Due to this there is enmity between us. On dated 16.07.2022 in the night I alongwith my minor son Gaurav had gone to the fields for irrigation then at about 11:00 PM I alongwith my son Gaurav were sleeping on the cot then suddenly, above said accused persons alongwith iron rod, farsa, hammer and Axe, pistol came there and shouted today let these enemies be eliminated, we woke up and then Parveen son of Mahesh gave a pistol blow on my face, Sachin gave axe blow from blunt side on my right leg, Raunak gave farsa blow on the knee of left leg and Sanjay gave iron rod blow on the knee of my right foot. My son Gaurav raised alarm then Ankit gave iron rod blow on the right hand of Gaurav and one Iron rod blow on my right foot and Parveen son of Om Pal gave iron rod on my left leg then all these accused persons made me fall on ground and caused injuries on the knees of my both legs with intention to kill. Then my son while running called his uncle Maan Singh on his phone and shouted that he had informed at house on phone and uncles are coming, on hearing this Pawan gave iron rod blow on my thigh and took out my purse and taken away rupees 4480/-, my Aadhar card and copy of my identity card. After

considering me as dead, Raunak shouted that not a single person from your family would be spared and they would kill our family members one by one. Sachin told that you are not compromising the matter even on the asking of Vijay Pal, now come and give evidence then you will come to know what is the consequence of enmity with Vijay Pal. Parveen son of Mahesh fired a shot on me but I was saved then on seeing the persons coming from the village side, they ran away. While running they were seen by my brother Mann Singh and Rishi Pal @ Bunt, Parkash @ Kalu. After that my brother Maan Singh and my family members took me and my son Gaurav to Nulhad Hospital Nuh for treatment where the doctor referred me to Govt. Hospital Guru Gram on seeing my injuries where my treatment is still going on. The above said accused persons attacked on us on the direction of Vijay Pal for compromise in the FIR which was registered earlier. Kindly take appropriate legal action against the accused persons. Sd/- Amar Singh.”

Per contra, learned State counsel has, on instructions, not disputed that the petitioner has been attributed a single injury on the leg of the complainant with an iron rod. However, it has been submitted, on instructions, that on account of the injury inflicted by the petitioner, the complainant had suffered a fracture on his leg. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has been submitted, on instructions, that the next date fixed before the trial Court is 19.12.2024 when in all likelihood, the charges are likely to be framed.

On a further query, learned State counsel, on instructions, has not controverted the factum of the petitioner having no previous criminal antecedents.

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

The petitioner has been in custody since 20.01.2024; challan qua the petitioner stands presented, however, the trial has not progressed since charges are likely to be framed only on the next date of hearing. The trial is unlikely to conclude in the foreseeable future in view of the aforesaid as well as the factum of as many as 29 witnesses having been cited by the prosecution.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

(MANJARI NEHRU KAUL)
JUDGE

December 10, 2024
sanjeev

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