





4864 on Hero Splendor had left from Palawas Village to District Courts Bhiwani as we have our Court dates and I was riding a motorcycle and Vishal was pillion rider next to me and thereafter, Sohit was also second pillion rider and he was sitting next to Vishal. While we reached near Lakhian wala Johar Babajeet Nath Temple and reached on the main road, then they were standing after hiding with the wall and suddenly they came on the road and attacked us. I saw that Manish son of Mala who was having farsa in his hand and Amru son of Seema was having stick in his hand, Prince son of Mukesh was having farsa in his hand, Suraj son of Raja and Manish son of Bajrang also having farsa in their hands and they had caused injuries to me, Vishal and to Sohit, I have received injury on my head, on my left hand of elbow and on my left shoulder and also upon my neck. Manish, Amru, Prince, Suraj, Manish and 3-4 more persons whose names and addresses I don't know and they all are of our Village Palwas. They all after having common intention with each other had caused injuries to me, Vishal and Sohit and they had also threatened us to kill if we will again meet them. And thereafter the people coming at the place of occurrence they all ran away along with their respective weapons. Thereafter, my brother Dharambir son of Raj Kumar who was coming from behind came there and he saw that we were lying on the floor and after arranging the vehicle, he had taken us to Government Hospital, Bhiwani and Vishal and Sohit were being referred to PGI Rohtak after giving first aid by the concerned Doctor as they have more injuries on their person and I have been treated at Government Hospital Bhiwani. Enmity between us is that we have already cases going on between both of us. Statement written and heard to be correct. Sd/- Sham Attested Umid SI PS CL Bhiwani dated 02.02.2024.”



3. Learned counsel for the petitioner contends that even though, the petitioner has been named in the FIR, but no specific injury has been attributed to him. He further contends that even the injury, which attracted the offence under Section 307 of IPC, is attributed to Suraj, non-applicant. The petitioner was arrested in the present case on 19.02.2024 and is in custody for the last more than 09 months. There were three persons, who had suffered injuries in the present case and all injured have already been discharged from the hospital long ago. Learned counsel further contends that in the present case, charge has been framed against the petitioner, however no witness has been examined so far. Thus, further custody of the petitioner will not serve any meaningful purpose. Learned counsel further submits that even though the petitioner is stated to be armed with a Farsa (axe), however, an iron rod was recovered from him during the course of investigation, which falsifies the prosecution version.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Bhiwani-II, Bhiwani has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was present at the spot along with other accused and had caused serious injuries with an axe.

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

6. In the present case, the petitioner is in custody for the last more than 09 months and no witness has been examined so far. The prosecution has



placed reliance on 26 witnesses and there are no chances of early conclusion of the trial in the present case. Even no specific injury was attributed to the petitioner and he was not involved in any other criminal activity in the past.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

25.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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