



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M-40194-2024(O&M)
Date of Decision: 30.09.2024

JAIDEEP

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. R.K.Malik, Advocate for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition has been made for grant of regular bail in case arising out of FIR No.008 dated 11.01.2024 registered under Sections 148, 149, 323, 307, 452, 427, 506 of IPC (Section 325 IPC added later on) at Police Station PGIMS Rohtak, District Rohtak.
2. Adumbrated facts as emanating from the record are that on 11.01.2024, on receipt of an information regarding admission of the injured Kamaldeep Dev in PGIMS, Rohtak due to sustaining injuries in some altercation, a police party reached there and obtained medico-legal-report as per which the injured had sustained 08 injuries. By that time, he had been admitted in a private hospital named as KANOS Hospital. On reaching there, opinion as to his medical condition was obtained and the injured was opined to be unfit for making statement. Then the complainant Sagar brother of injured recorded his statement that on the night of 10.01.2024, he was going to his house and while on the way, he received a call on his phone



from one Naseeb intimating him that a quarrel had taken place between Kamaldeep Dev and himself. On receipt of this information, the complainant rushed towards the informed place and on reaching there, he found 10-15 youths while fleeing away from the spot. All of them were armed with iron rods. On reaching at the paying guest accommodation of his brother, he found him lying a critical condition. He also noticed that a lot of damage has been caused to the articles lying in his room. The injured was rushed to the hospital. He disclosed the names of some of the assailants as Anshul, Krishan, Bheema and Priyanshu and while alleging that they had opened an assault upon his brother with an intention to kill him, prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The accused Krishan and Anshul were arrested. They suffered disclosure statements admitting their involvement in the subject crime and demarcated the place of occurrence. The accused Krishan got recovered a wooden stick. They also took the names of the petitioner and co-accused Pawan as the persons who were accompanying them at the relevant time. The petitioner was arrested on 19.05.2024. He too was interrogated and suffered disclosure statement and demarcated the place of occurrence. Investigation has since been completed and challan stands presented before the Court. The petitioner had moved an application for grant of regular bail which was dismissed by the trial Court vide order dated 16.07.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and has



been nominated as an accused on the basis of disclosure statement of co-accused. Investigation has since been completed. Trial is likely to take time. No recovery is to be effected from the petitioner. He is in custody since 19.05.2024. His custodial interrogation is no more required. No purpose would be served by detaining him in custody any more. Therefore, it is urged that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious and specific allegation against the petitioner as by forming membership of an unlawful assembly with the co-accused, he opened an assault on the victim Kamaldeep Dev and had caused simple as well as grievous injuries to him. One of the injuries as sustained by him has been declared to be dangerous to life. There are chances of petitioner's tampering with the prosecution evidence or absconding, if extended benefit of bail. As such, it is urged that the petition does not deserve to be allowed

6. I have heard both the sides at considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, the victim is alleged to have been assaulted by all of them. The victim had sustained simple and grievous injuries on his person. However, no specific injury has been attributed to the petitioner. He is in custody since 19.05.2024. The trial is likely to take time. There is no basis for the contention that he may abscond or intimidate the witnesses. Keeping the period of incarceration of the petitioner, the nature of the allegations



made against him and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Accordingly the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

30.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No