

2024:PHHC:126978



247.

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

CRA-S-2834-2024 (O&M)

Date of decision: 24.09.2024

Rohit Yadav

.... Appellant

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Navmohit Singh, Advocate, for the appellant.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Sumit Kamboj, Advocate for
Mr. Nazar Singh, Advocate, for the complainant.

GURBIR SINGH, J.

1. Present appeal has been filed for grant of regular bail to the appellant in case FIR No.182, dated 24.03.2024, under Sections 323, 307, 506, 34 of IPC and Section 3(2)(va) of SC/ST Act registered at Police Station Saran, District Faridabad.

2. The aforesaid FIR was registered on a complaint made by Sumit Singh with the allegations that on 22.03.2024, he had gone to meet his friend Sachin at his house. On the way, Mohit and his married elder brother were playing holi and throwing mud. They threw mud cake on the complainant as well. When the complainant stopped them to do so, then they started abusing the complainant. Meanwhile, Sachin and his father came there and asked the accused why he was abusing the complainant. At

that very moment, Mohit and his elder brother started fighting with them with baseball sticks, due to which, the complainant received internal head injury. When the complainant was not feeling well, he went to B.K. Hospital, Faridabad on 24.03.2024 where the doctor referred him to Safdarjung Hospital.

3. Learned counsel for the appellant has argued that the appellant has been falsely implicated in the present case. Appellant was named in the FIR. On the day of incident, the appellant was in his college and participating in a tournament function organized by the college. He is a student and is unmarried. There is delay of two days in lodging the FIR. His co-accused has already been granted bail vide order dated 23.04.2024 passed by learned Principal Magistrate, Juvenile Justice Board, Faridabad.

3.1 Learned counsel for the appellant further submits that even otherwise, the matter has been compromised between the parties. He is in custody since 20.04.2024. There is no other case pending against him. Nothing is to be recovered from him. Challan in the case has been presented. No useful purpose would be served by further incarceration of the appellant.

4. Reply by way of an affidavit dated 23.09.2024 of Narender Kumar, HPS, Assistant Commissioner of Police, Badkhal, Faridabad, on behalf of respondent-State, along with copy of MLR of complainant as Annexure R-1, copy of opinion of doctor as Annexure R-2 and copy of

disclosure statement of appellant as Annexure R-3, has been filed in Court today, which is taken on record.

4.1 Learned State counsel has opposed the bail to the appellant considering the allegations levelled against him. Specific injury has been attributed to the appellant on the head of the complainant with base ball. The medical record shows that the complainant was having fracture right fronto-parietal bone with extradural haematoma with midline shift to left side and he underwent surgery for it. The said injury has been declared dangerous to life by the doctor. He further submits that though the appellant has not been named in the FIR but he has been addressed as the elder brother of Mohit who has already been granted bail.

4.2 Learned State counsel has also filed custody certificate dated 23.09.2024 of the appellant in Court today, which is taken on record. As per said custody certificate, the appellant has been in custody for 5 months and 3 days. The appellant is not involved in any other case. There is no delay in lodging the FIR as it was registered after the statement of complainant/injured. However, learned State counsel has not disputed the factum of compromise having been effected between the parties.

5. Learned counsel for the complainant has also not disputed the factum of compromise.

6. I have heard the submissions of learned counsel for the parties and have gone through the file.

7. Considering the fact that the appellant is custody for the last 5 months and 3 days, matter has been compromised between the parties, no other case has been pointed out against the appellant and completion of trial will take some time, this Court deems it appropriate to release the appellant on regular bail.

8. Accordingly, without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the appellant.

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 and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 24, 2024
sanjeev

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