



CRM-M-47841-2024

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

CRM-M-47841-2024
Decided on : 27.09.2024

Lovpreet @ Labhu Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nikhil Chopra, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.120 dated 11.06.2024 under Sections 148, 149, 323, 324, 326 and 506 IPC registered at Police Station Siwan District Kaithal.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 20.07.2024; investigation in the case in hand is complete as challan stands presented. Learned counsel has further submitted that as per the allegations levelled in the FIR in question, no injury much less injury inviting the mischief of Section 326 IPC has been attributed to the petitioner. The grievous injury, which was inflicted with a sword, has been attributed to the co-accused. Learned counsel has still further submitted that in



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the circumstances, further incarceration of the petitioner would serve no useful purpose as trial would take considerable time to conclude, more so, when charges are likely to be framed only on the next date of hearing coupled with the fact that 9 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR, which stands reproduced as under:

“Statement of Rajesh Kumar son of Labh Singh, resident of village Kakhedi, age 27 years Mob. 9991816335, stated that I am a resident of the above address and work as a driver. We are two brothers and one sister. Both my brother and sister are married. I am unmarried. On 9-6-2024, at around 8.30 PM, I and my uncle's son Bunty were going from Kangthali towards our village Kakhedi on my motorcycle. When we reached the cremation ground, some distance away from Kangthali, there were 15-16 boys standing there along with 5-6 motorcycles. All those boys were holding Lathi-Dandas, Gandasi and swords in their hands and were standing at a short distance on both sides of the road. Seeing me coming, 3-4 boys attacked me with lathi- dandas and rods due to which I escaped and moved ahead. There was a boy standing at some distance, who attacked me with gandas, I escaped from him also and went ahead and 5-6 more boys were standing at some distance. One of the boys attacked me with a sword on my head, which I stopped with my right hand, due to which the fingers of my right hand were



cut, and after going some distance, I and my uncle's son Buntty fell down along with the motorcycle. At that very moment all those boys came running towards me and started beating me while lying on the ground. When they were beating me, I recognized some of those boys, among them I had recognized Ashi Balbeda, Guri Pandit Cheeka, Labhu Kharkada, Sukhi Harigarh, Bindu Baba Basti Cheeka, Shekhi Baba Basi, Rohit Dhanak Basti, Suraj Dhanak Basti. By this time, many people coming and going had gathered. A large crowd had gathered. Seeing this crowd, they all ran away while waving their weapons and saying that today you have survived, if in future you are found then we will kill you. After that, my friend Jeewan Kumar came to the spot and arranged for a private vehicle and took me to the government hospital Guhla, where the Dr. Saheb gave me first aid and referred me to PGI, Chandigarh. My brother Malkit Singh got me admitted to PGI Chandigarh, Sector-12 for treatment. Where I am undergoing treatment. You are requested to take legal action against all of them. I have got recorded my statement to you and read it, which is correct. Sd/-"

Learned State counsel has further submitted that it comes across as a pre-mediated attack wherein the complainant was attacked on four occasions on the same day; initially, the complainant managed to escape, however, he was subsequently waylaid by the petitioner and the co-accused, and inflicted injuries on his person. Learned State counsel has still further submitted that the petitioner was allegedly armed with a stick at the time of alleged occurrence.



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4. On a pointed query put to the learned State counsel, he has not disputed that the grievous injuries, which were sustained by the complainant leading to the severing of his fingers have been attributed to the co-accused and not to the petitioner. It has also not been disputed that the petitioner has no previous criminal antecedents.
5. I have heard learned counsel for the parties and perused the material placed on record.
6. The petitioner has been in custody since 20.07.2024. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed. The trial will, therefore, take considerable time to conclude as 09 witnesses have been cited by the prosecution.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. 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.

27.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

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