



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-48353-2024

Date of decision: 08.11.2024

Ajit @ Kala

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek Suri, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.58 dated 05.03.2024 under Sections 307/34 of the IPC (Sections 326, 201 of the IPC added and Section 34 of the IPC deleted lateron), registered at Police Station Sadar Rohtak.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case along with other co-accused, for allegedly inflicting injuries on the person of the sister of the complainant. While drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel submits that the delay of more than three days in lodging the FIR in question from the date of the alleged occurrence strongly supports the petitioner's false implication in this case.

3. It has been further argued by the learned counsel for the



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petitioner that the wife of the petitioner, co-accused Suman, has already been found innocent by the investigating agency and placed in column No.2. It has been further submitted that even otherwise the mischief of the alleged offences are not attracted in the present case as the petitioner had no intention to attack the injured and even otherwise not even a single injury was declared to be dangerous to life.

4. Learned counsel for the petitioner has also emphasized that the petitioner has been in custody for nearly eight months since his arrest on 07.03.2024. Considering that the trial would take considerable time to conclude with the case still at the stage of consideration of charges, further incarceration of the petitioner, who has no previous criminal antecedents, would serve no useful purpose.

5. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“To, The Police Incharge, Police post village Ghillor Kalan, Rohtak. I Parkash S/o Balwan is resident of village Goyala Kalan, District Jhajjar. We are three sisters and one brother. My middle sister was married to Baljeet S/o Parse R/o Rithal Narwal, District Rohtak for last 15 years. My sister have two kids, one boy named Harsh and one girl name Kritika. My wife received information at 11:00 PM night on 02.03.2024 from village Ritahl about the death of Baljeet, my wife enquired how it happened. Next day my wife Kavita, my mother Dharma and my Aunt Bala, my paternal uncle and his son Naveen S/o Kapoor reached village Ritahl to my brother-in-law's house and we couldn't see my brother-in-law and after asking them, they said lets be quick for the last rites, we asked how this incident happened, also, where is our sister and requested them to call her on his last rites, the villagers replied that



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*she had small injuries, she will join later and also asked us to be quick. After the last rites of Baljeet, my family asked to make them talk with Kavita. Being told that Kavita is in Hospital due to injury with broken glass, we went to the hospital. One unknown man of village Rithal told us that Kavita was not in her senses and you should go back home and come tomorrow. Today, my family came to Rohtak Hospital to ask about Kavita, my sister Kavita told that on 02.03.2024, there was some altercation between her husband and her brother-in-law, her husband fell down and was taken to Hospital after which she was informed about his death, after that her sister-in-law told her from back and her brother-in-law (**Kala**) started hitting on her head with iron da again and again, then he tried to hit on her neck which she saved by protecting herself with her hands due to which her both hands were injured with cuts from which they wanted to kill her and also threatened her to kill, it was told to my family by Kavita. **Kala alias Ajeet** tried to kill my sister by attacking her with iron Dao and Suman wife of **Ajeet** held her from back. There should be some serious action against both of them. I have reported this in hospital. Sd/- Parkash dated 05.03.2024, 9817856439.”*

6. It has been further submitted by learned State counsel that there are serious and specific allegations against all the accused, including the petitioner; the petitioner inflicted three injuries on the person of the sister of the complainant which includes a fracture of her hand. Additionally, it has been submitted that the injuries were inflicted with an iron *dah* which was then recovered from the petitioner.

7. However, the learned State counsel on instructions has not been able to dispute the custody period of the petitioner as also the stage of trial.

8. On a query put to the learned State counsel, it has been submitted that as many as 20 witnesses have been cited by the prosecution, however, none has been examined till date as charges have not yet been framed even though the challan was presented way back



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on 05.04.2024. Learned State counsel has also not disputed that the FIR in question was registered after a delay of three days from the date of the alleged occurrence. The seat of injuries i.e. the forearms of the injured have also not been disputed by the learned State counsel.

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

10. The petitioner has been in custody for eight months since his arrest on 07.03.2024. Given that the trial is likely to be prolonged, with the charges yet to be framed, further incarceration of the petitioner would serve no useful purpose, moreso when he is not stated to be involved in any other case of identical nature. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

11. 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. 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.

12. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

08.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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