



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-50092-2024
Date of decision: November 8th, 2024

Sahil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in
FIR No.392 dated 27.12.2023 under Sections 323, 325, 341, 307, 506,
34 of the IPC registered at Police Station IMT, Rohtak.

2. Learned counsel for the petitioner submits that a perusal of
the allegations levelled in the FIR in question clearly reveals that the
petitioner has not been attributed any injury much less inviting the
mischief of Section 307 of the IPC; injury inviting the mischief of
Section 307 of the IPC has been attributed to co-accused-Mohit, who hit
son of the complainant on his head with a wooden baton. Learned
counsel submits that since the petitioner has now been in custody for
almost 11 months having been arrested on 14.01.2024 and even challan
stands presented, his further incarceration would serve no useful
purpose more so when charges have not yet been framed, coupled with
the fact that as many as 18 witnesses have been cited by the prosecution.

**CRM-M-50092-2024****-2-**

3. *Per contra*, learned State counsel while vehemently opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder:-

*“It is submitted that I Satyawar s/o Umed Singh am resident of Village Rurki, District Rohtak and working as a daily wage. I am married and having kids. I have three sons. Eldest son is Sachin, younger to him is Sumit and youngest is Akshay, who is aged about 17 years. On 24.12.2023, at around 9:00 pm, my son Sumit was returning home on his motorcycle. That **Sahil** son of Dalel and Mohit son of Rohtash were standing in the street in front of their house. They made my son to stop his motorcycle and after making him to alight from the motorcycle, they started giving him slaps and fist blows and thereby beating him. Sumit got himself free from their clutches and ran towards the house. After reaching home, Sumit told about the occurrence. At this, my youngest son Akshay went to the house of **Sahil** to lodge a complaint. When my son Akshay was returning back home from the house of **Sahil**, **Sahil** caught my son Akshay in the street. Mohit son of Rohtash, with an intention to kill my son Akshay, repeatedly hit on his head with a wooden baton. That on hearing the cries, Jitender s/o Madan and Narender son of Umed Singh reached at the spot and rescued my son. Had they not rescued my son, both the above boys might have killed my son. Both of them had earlier also quarrelled with my sons on 2-3 occasions, but every time respectables of the village used to get the matter compromised. In this regard, we have not lodged any complaint with the police before. Both the above assailants while carrying a grudge the previous quarrels, have now caused injuries on the head of my son with an intention to kill him. Because of*

**CRM-M-50092-2024****-3-**

*these injuries, my son has suffered three fractures in his head and my son is not able to speak properly. He is still admitted in the hospital and now my son had been got admitted in PGIMS. Ever since then, my son is not in his senses because of the injuries suffered by him on his head. Because of this, no MLR of my son had been got issued. You are requested to get the MLR of my son Akshay issued and take strict legal action against **Sahil** s/o Dalel and Mohit s/o Rohtash.”*

4. However, learned State counsel has not disputed that the petitioner has not been attributed any injury on the person of the injured other than having caught hold of him. Learned State counsel, on instructions, has also not disputed the custody period of the petitioner as well as the stage of trial.

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

6. The petitioner has been in custody since 14.01.2024. Challan was presented on 12.04.2024. However, till date the charges have not yet been framed. The petitioner, as per the prosecution also, has not been attributed any injury on the person of the injured.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.



CRM-M-50092-2024

-4-

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

November 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No