



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51778-2024 (O&M)
Date of Decision:-24.10.2024

Ashish ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Lalit Kumar Narang, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of GD No.22, dated 11.2.2024 registered at Police Station Bhatu Kalan, District Fatehabad, under Sections 147, 148, 149, 323, 506 of Indian Penal Code, wherein offence under Section 307 IPC was added later on, in FIR No.36 dated 9.2.2024 registered at Police Station Bhattu Kalan, District Fatehabad, under Sections 147, 149, 323, 325, 341, 506 of Indian Penal Code.
2. The allegations, in nutshell, are that the petitioner alongwith two other co-accused had inflicted injuries to Rajesh, Sumit and Shishpal with help of sticks. While Rajesh is stated to have sustained 1 injury on his head, Sumit is stated to have sustained 1 injury on his ear and Shishpal is stated to have



sustained 1 injury on his head. While the injury sustained by Rajesh and Sumit were declared as simple injury, the injury sustained by Shishpal was declared a grievous injury on account of fracture in his skull and on account of which Section 307 IPC was added subsequently.

3. Learned counsel for the petitioner submitted that the petitioner had no intention whatsoever to cause any death and that the occurrence had taken place in the spur of the moment, wherein one person from the petitioner's side had also sustained injury. It has been submitted that the petitioner as on date has been behind bars since the last more than 5 months. Learned counsel offered to pay compensation of Rs.2 lakhs unconditionally to the injured Shishpal.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that having regard to the fact that the petitioner is specifically named in the FIR and is attributed an injury on the head of Shishpal, which has been declared to be dangerous to life, his complicity is clearly evident and, as such, does not deserve any concession in the matter of grant of bail. It has further been submitted by learned State counsel that the petitioner has been behind bars since the last more than 5 months and stands involved in 1 more case for offences under Sections 323 and 325 IPC. It has also been informed that the charges in the present case are yet to be framed.
5. Having regard to the facts and circumstances of the case and also the fact that the petitioner has offered to compensate the injured Shishpal for injury sustained by him unconditionally to enable him to have requisite necessary medical treatment and while also noticing that conclusion of trial is likely to



consume time inasmuch as even the charges have not been framed so far, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. It is, however, made clear that the aforesaid bail shall be subject to the condition that the petitioner pays an amount of Rs.2 lakhs to the injured Shishpal unconditionally. The said compenation of Rs.2 lakhs may be deposited at the time of furnishing bail bonds in the shape of demand draft favouring Shishpal. The trial Court/Chief Judicial Magistrate/Duty Magistrate shall release the said amount to injured Shishpal upon proper verification of identity and receipt.

24.10.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No