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

CRM-M-56433-2023
Decided on:13.02.2024

Daala

.... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjeev Majra, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.3

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.324 dated 21.05.2023 under Sections 148, 149, 323, 506 IPC (Sections 307, 325 IPC have been added later on) registered at Police Station Shahbad District Kurukshetra.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner for having attacked the complainant party comprising of the complainant, his brother, his father and pregnant wife on 20.05.2023 at about 10.00 PM. Learned counsel submits that in fact it is the complainant party, which had aggressed upon the house of the accused and it was, thus, in his right of private defence that the said injuries had been inflicted upon the complainant party. It has been further submitted that the

petitioner has now been in custody since June 2023, and not only the challan has been presented but even charges stand framed. In the circumstances, his further incarceration would serve no useful purpose. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that a perusal of the FIR, which has been reproduced in the body of the paper book, clearly reveals that it was a pre-mediated attack, which was launched upon the complainant as well as his family by the accused party; the accused including the petitioner and the complainant were residing in the same neighbourhood. The petitioners were armed with lethal weapons, with which they inflicted injuries not only on the person of the complainant but when his family rushed to his rescue on hearing his cries, they too were not spared and were also brutally assaulted. Learned State counsel has further submitted that the ocular testimony finds due corroboration with the medical evidence on record. She, on further instructions has submitted that the condition of the injured brother of the complainant - Mahipal still continues to be serious. Learned State counsel has still further submitted that all the 4 injured witnesses are yet to be examined and there is every likelihood that in case, the petitioner is enlarged on bail, he would try to intimidate them. Hence, the petitioner be declined the concession of bail.

4. Heard learned counsel for the parties and perused the

relevant material available on record.

5. *Prima facie*, it does come across to be a pre-mediated attack wherein the accused including the petitioner without any provocation assaulted all the injured on various parts of their body, as a result of which, some of the injuries were declared dangerous to life.

6. In the facts and circumstances as enumerated hereinabove coupled with the stage of trial and the role attributed to the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed.

7. 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.

13.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No