

2024:PHHC:141477



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

CRM-M-52202-2024 (O&M)
Date of Decision:- 28.10.2024

Vinod Nath ... Petitioner
Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S.Virk, Advocate, for the petitioner.
Mr. Munish Sharma, DAG, Haryana.
Mr. J.C.Kapoor, Advocate, for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
367	03.06.2024	Rania, District Sirsa	323, 324, 326, 506 read with 34 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Mukesh Nath. The relevant extract of the FIR, as extracted from the translated gist annexed with the petition as Annexure P-1 reads as under:

“I am having three sons and a girl, on dated 01.06.2024 time at around 6.30/7.00 hrs. in the evening Swaran Nath son of Fulnath came in his Car then in the street Mukhtyar Nath son of Kashinath, Ashok Nath son of Mukhyar Nath, Madan Nath son of Kashinath,



Vinod Nath son of Mukhtyar Nath and Satbir Nath son of Nawab Nath residents of Kutabgarh didn't allow to park the Car of Swaran Nath in the street then Swaran Nath had verbal spat with all of them then Ashok Nath son of Mukhtyar Nath brought a Sword from his house and Mukhtyar Nath brought a stick and Vinod Nath was having Kapa in his hand and Satbir Nath was having a stick in his hand, upon escalating of brawl Ashok Nath gave a sword blow upon my head, I raised my right above up for my survival then Sword hit me upon the finger of my right hand, then Ashok gave second blow upon me then I raised my left hand up for my survival then the sword hit near my left thumb, then Mukhtyar Nath hit stick upon my waist and Satbir Nath attacked me with a stick which he was carrying in his hand upon my arm then my brother Bisambar Nath also came to rescue then all of them inflicted injuries to Bisambar Nath also with Sword and sticks then people of village started gathering then all of them fled from the spot along with their respective weapons.”

3. Learned counsel for the petitioner submitted that the entire family of the petitioner has been implicated falsely in the present case and that although the petitioner is stated to be carrying a ‘*kappa*’, but no specific injury is attributed to him. It has further been submitted that in any case it is the co-accused Ashok Nath to whom the grievous injury is attributed. It has been submitted that the petitioner has a clean record and is not involved in any other case and since the petitioner has been behind bars since the last about 3 months and the trial has not even commenced till date, his further detention will not serve any useful purpose.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that since the petitioner is



specifically named in the FIR and is alleged to be carrying a '*kappa*' and all the accused collectively caused a number of injuries to the complainant as well as to Bisember Nath including two 'grievous injuries', the petitioner does not deserve the concession of bail.

5. This Court has considered rival submissions addressed before this Court.

6. Before proceeding further, it is apposite to refer to the injuries found on the person of the complainant as well as Bisember Nath which are reproduced herein under:

1. The injuries on Mukesh Nath as per MLR (Annexure P-2) are as under:

- i. Lacerated wound of size 12.0CM x 4.0 CM present over left elbow, active bleed present
- ii. Incised wound of size 4.0 CM x 1.0 CM with partial amputation over index finger of right hand, active bleed present ADV Xray and ortho opinion
- iii. Incised wound with partial amputation of thumb of left hand Adv Xray & Ortho opinion.
- iv. Lacerated wound of size 10.0 CM x 2.0 CM over left forearm & wrist, Active bleed present ADV Xray & Ortho opinion

2. The injuries on Bisember Nath as per MLR (Annexure P-3) are as under:

- i. Lacerated wound of size 4.0CM x 2.0 CM over left hand, active bleed present ADV Xray & Ortho opinion
- ii. Bruise of size 6.0 CM x 0.5 CM over left thigh, reddish in colour ADV Xray and ortho opinion



- iii. Multiple bruise over various size over left shoulder
Adv Xray & Ortho opinion.
- iv. c/o Pain over Head ADV NCCT Head & Surgeon
Opinion
- v. Abrasion of size 10.0 CM x 1.0 CM Over Upper back,
red in colour, ADV Xray & Ortho opinion.”

7. It is injury Nos.2 and 3 on the person of Mukesh Nath which were found to be grievous injuries which is not attributed to the petitioner. The petitioner has been behind bars for about 3 months. The petitioner otherwise enjoys a clean record and is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch as the trial has not commenced till date as charges are yet to be framed. Under these circumstances, further detention of the petitioner would not be justified. The 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.

28.10.2024
mohan

(GURVINDER SINGH GILL)
JUDGE

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