

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

CRM-M-52284-2024 (O&M)
Date of Decision:-25.10.2024

Balraj... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Salil Dev Singh Bali, Advocate and
Mr. Parveen Jain, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
143	9.6.2024	Siwani, District Bhiwani, Haryana	147, 148, 149, 308, 323, 365 and 506 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Arjun Kumar @ Ankit, wherein it is alleged that on 8.6.2024 at about 10:00 P.M. he alongwith his brother Krishan and Jaipal were having food near a liquor vend. It is alleged that Ishwar, Rajesh, Balraj, Arjan Singh, Parveen, Kamal, Sher Singh, Jagdish, Happy & Risal Singh accompanied by 3-4 other persons came there, who were carrying sticks and iron rods and tried to catch hold of complainant’s brother Krishan, but said Krishan ran towards the fields. The assailants, however, managed to



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chase Krishan and caught hold of him. It is further alleged that Krishan was forced into a vehicle and was inflicted injuries with sticks and iron rods. It is also stated therein that the assailants also snatched a bag carried by Krishan containing an amount of Rs.5 lakhs and one G-Shock watch. The accused Arjan Singh and Krishan tried to run over their Bolero and Camper vehicles over complainant's brother Krishan. Later when complainant's uncle and grandfather reached there, but the assailants ran away from the spot.

3. Learned counsel for the petitioner submitted that although the petitioner is named in the FIR, but even if all the allegations as alleged are taken to be correct, the same would not attract any offence under Section 308 of Indian Penal Code inasmuch as all the 6 injuries stated to have been found on the person of injured Krishan were on non-vital parts. It has further been submitted that at best it is a case which would attract an offence under Section 325 IPC as admittedly the accused were carrying only blunt edged weapons in the nature of sticks and iron rods. It has also been submitted that the petitioner as on date has been behind bars since the last about 4 months and 12 days and has a clean record.
4. Opposing the petition learned State counsel submitted that having regard to the number of injuries inflicted upon injured Kirshan including 3 fractures, it is evident that all the accused had attacked the injured in a premeditated plan so as to eliminate him and by sheer luck that the injured survived. Learned State counsel, however, not disputed that the petitioner as on date has been behind bars since the last about 4 months and 12 days and also that he is not involved in any other case. It has also been informed that challan already



stands presented, but charges are yet to be framed and as many as 22 PWs have been cited.

5. This Court has considered rival submissions addressed before this Court.
6. It is correct that the petitioner is specifically named in the FIR alongwith other accused, who are all stated to be carrying sticks and iron rods and are alleged to have inflicted injuries to Krishan i.e. brother of the complainant. Upon medical examination, the following injuries were found on the person of injured - Krishan:

Sr. No.	Injuries
1.	Multiple red contusion of size multiple size largest of size approx 7 cm * 1 cm smallest of approx size 4 cm * 1 cm present on back of left entire whole lower limb. Adv. – X Ray whole left lower limb and PBH and ortho opinion.
2.	Multiple red abrasion of size largest approx 9 cm * 1 cm smallest 1 cm * 1 cm present on back of right lower limb. Adv. - X Ray whole right lower limb and ortho opinion.
3.	Multiple red contusion of largest size approx 7 cm * 1 cm smallest of size 5 cm * 1 cm present on entire back. Adv. - X Ray whole spine and ortho opinion.
4.	Red contusion of size approx 4 cm * 1 cm present on back of left arm. Adv. - X Ray left forearm with elbow and ortho opinion.
5.	C/o left shoulder pain. ROM restricted and painful at shoulder joint and visible external injury seen. Adv. - X Ray left shoulder and ortho opinion.
6.	Red contusion of size 5 cm * 1 cm present on back of right forearm. Adv. - X Ray right forearm with elbow and ortho opinion.

7. A perusal of the aforesaid injuries would show that all the injuries are on legs, arms, shoulder and back. Four injuries out of the aforesaid 6 injuries have been opined to be grievous injuries. It will be debatable as to whether the



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aforesaid injuries would constitute an offence under Section 308 IPC or not. The petitioner has been behind bars for a substantial period of more than 4 months and otherwise enjoys a clean record. Conclusion of trial is likely to consume time inasmuch the trial has not even commenced till date and charges have not been framed so far.

- 8. Having regard to the aforesaid facts and circumstances, the instant case, in the opinion of this Court, is a fit case for grant of regular bail.
- 9. 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.
- 10. It is, however, clarified that none of the observations made above shall be taken to be an expression on the case of the prosecution.

25.10.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

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