

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

CRM-M-64446-2023
Decided on : 14.02.2024

Rakesh Petitioner

Versus
State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Mr. Abhimanyu Jangra, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.341 dated 12.08.2023 under Sections 323, 325, 308, 148, 149 and 506 IPC (Offence under Section 325 IPC added later on) registered at Police Station Meham District Rohtak.
2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated has been planted upon the petitioner. The occurrence in question took place on 11.08.2023 and as per the case of prosecution, the injured was taken to the Civil Hospital at Bhiwani soon thereafter. Learned counsel has submitted that as per the allegations levelled in the FIR in question, no doubt the petitioner

had been named therein, however, he had been attributed an injury on the left leg of the injured with a wooden danda (injury No.8); on being removed to the Civil Hospital, Bhiwani soon after the occurrence in question, the said injury was opined to be simple in nature. However, the injured for reasons rather obvious got himself discharged and thereafter, got himself treated at a private hospital by the name of 'We Care Hospital' at Rohtak and on 05.10.2023 i.e. after 45 days, the injury allegedly attributed to the petitioner was declared to be grievous by the doctors at the private hospital; it left no manner of doubt that either the medical opinion had been procured from the private hospital or if at all, the injury, which was opined to be grievous, by the private doctor had indeed been declared to be grievous it in all likelihood would have been sustained by the injured in some other occurrence in the intervening period of 11.08.2023 and 05.10.2023. Learned counsel has also argued that no injury on any vital part much less head or chest of the injured had been attributed to the petitioner even as per the allegations levelled in the FIR in question. In the circumstances, offence under Section 308 IPC was also not made out against the petitioner. Learned counsel has submitted that the petitioner has been in custody since 21.08.2023 and the challan stands presented. Hence, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer and submissions made by the counsel opposite has not disputed that initially, when the injured was taken to the Civil Hospital, Bhiwani soon after the occurrence in question, the injury allegedly inflicted by the petitioner had been opined to be simple in nature, however, it was two months later, a private hospital gave an opinion to the contrary that the injury received by the injured was grievous in nature. Learned State counsel has not disputed that the investigation in the case in hand is complete and challan stands presented.

4. On a pointed query put to learned State counsel as to whether the petitioner is involved in any other criminal case, he submits that the petitioner has clean antecedents and is not involved in any other criminal case.

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

6. The petitioner has been in custody since 21.08.2023. The investigation in the case in hand is complete as challan stands presented, however, thereafter the trial has not progressed further as charges are yet to be framed.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be

admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. 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.

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

14.02.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No