

2024:PHHC:170218



232.

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

CRM-M-62663-2024 (O&M)

Date of decision: 18.12.2024

Ashu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saurabh Sharma, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Chetan Sharma, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-49366-2024

Application is allowed, as prayed for.

CRM-M-62663-2024

Vakalatnama filed on behalf of complainant in Court today, is taken on record.

Present petition has been filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.104, dated 12.03.2024, under Sections 148, 149, 323, 341, 506 of IPC (Sections 307, 324, 325, 326 IPC added lateron), registered at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner submits that highly exaggerated version has been brought forth in the FIR in question by the complainant that the petitioner along with co-accused attacked him with lethal weapons leading to him sustaining as many as seven injuries on his person, including an injury which was opined to be dangerous to life. It has been further asserted by the learned counsel that although false allegations have been levelled against the petitioner, however, even as per the allegations, injury which was opined to be dangerous to life has not been attributed to the petitioner; the petitioner has been attributed a single injury with a *gandasi* on the left leg of the injured, which resulted in a fracture. A prayer has, therefore, been made to extend the concession of bail to the petitioner, who has no previous criminal antecedents, coupled with the fact that not only has the challan been presented but even charges have been framed.

Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by learned counsel opposite by drawing attention of this Court to the allegations levelled in the FIR (Annexure P-1) which stands reproduced hereinunder:-

"To, Incharge, Police Post, Jyotisar, Kurukshetra.

Subject: Application for taking action against 1. Ajay s/o Devi Dayal, 2. Pradeep s/o Jaipal, 3. **Ashu** s/o Jaipal, 4. Jaipal s/o Shri Chand, 5. Rajendra s/o Shri Chand, all residence of village Ghararsi, Tehsil Thanesar, District Kurukshetra.

The applicant submits as under:-

That the applicant is a resident of Village Ghararsi, District Kurukshetra. Today on 12.03.2024 at about 9 A.M, my father Shri Om Prakash was going towards his fields, the houses of accused persons fall on the way who can in connivance with

each other launched an attack on my father with Gandasi, Saria, and Sticks, Iron Rod and ladle and caused grievous injuries to my father. That I and my uncle Dharambir reached at the spot. Upon seeing us, the accused persons run away from the spot along with their weapons and threatened to kill us. That we took Om Prakash to Civil Hospital, Kurukshetra, where on account of grievous injuries he was referred from LNJP Kurukshetra to Kalpana Chawla Hospital Karnal from where Om Prakash was referred to PGI Rohtak, but seeing his critical situation, we got him admitted at Rawal Hospital, Karnal. He is in serious condition currently. The accused persons are roaming freely and giving threats. Therefore, you are requested to take legal action against the accused persons and arrest them and justice be served to us. Thanking you. Date 12.03.2024. SD/ Sanjeev Kumar applicant."

It has not been disputed by the learned State counsel, on instructions, that the petitioner has been attributed a single injury on the left leg of the injured Om Parkash and other than this, no other injury has been attributed to him. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial, much less the factum of the petitioner having no previous criminal antecedents.

Learned counsel for the complainant has, however, submitted that it was a collective attack by all the accused including the petitioner on account of a history of strained relations; although the petitioner has not been attributed injury inviting the mischief of Section 307 of IPC, however, the petitioner was specifically named in the FIR and was armed with *gandasi* with which he injured Om Parkash.

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

The petitioner has been in custody since 10.04.2024. The investigation in the present case is complete and charges also stand framed,

however, none of the 15 witnesses cited by the prosecution have been examined till date. Hence, there is no likelihood of the trial concluding in the foreseeable future.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

(MANJARI NEHRU KAUL)
JUDGE

December 18, 2024
sanjeev

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