



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

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CRM-M-1995-2025

Decided on : 21.01.2025

Dheeraj Singh

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sarfaraj Anjum Mor, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Neeraj Saini, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

Power of attorney on behalf of the complainant has been filed in the Court today. The same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Sections 324, 307 and 326 IPC, in FIR No. 234, dated 18.06.2024, registered at Police Station Sector-5, Gurugram, during the pendency of trial.

2. Learned counsel for the petitioner contends that infact no offence under Section 307 IPC is made out because there is no such injury on head or any of the vital part of the injured/complainant. Counsel further contends that the grievous injuries suffered by the injured is on his fingers and palm of the hand and only on the basis of assumption the offence under Section 307 IPC has been added, whereas, the offence in its entirety is



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required to be tried by the Court of learned Magistrate.

Learned counsel for the petitioner also submits that the petitioner is in custody since 18.06.2024 and after completion of investigation challan has already been submitted before the concerned Court on 16.09.2024 and charges have also been framed on 20.01.2025, thus, prays for granting regular bail to the petitioner.

3. On the other hand, learned State counsel on being assisted by learned counsel representing the complainant, opposes the prayer of the petitioner for grant of regular bail and submits that the alleged role of the petitioner is that he was having *farsa* in his hand with which injuries were caused to the injured/complainant and he also created atmosphere of terror in the street.

4. Learned State counsel further argued that the complete act done by the petitioner is recorded in the CCTV footage. She also submits that looking at the conduct and behaviour of the petitioner that he may terrorize the witnesses including the injured/complainant, petitioner does not deserve any leniency, thus prays for dismissal of the present petition.

5. However, on being asked by the Court, learned counsel representing the parties submit that the parties to the *lis* are residents of the same locality and knows each other very well.

6 Considering the aforesaid facts and circumstances and also the fact that the injury suffered by the injured is not on any of the vital part of his body and that offence under Section 307 IPC is made out or not would also be a debatable question during the course of trial, and also that petitioner is in custody for more than seven months period, this Court allows the prayer

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made in the present petition. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Since it is informed that accused and injured are residing in same locality , it would be appreciated if the petitioner(accused) comes forward to resolve the dispute with the injured to avoid future conflicts.

8. However, it is made clear that in case any similar incident or any pressure or threat is extended to the complainant or any other prosecution witnesses in any manner directly or indirectly, the prosecution or complainant would be at liberty to seek cancellation of bail in the present case.

9. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

January 21,2025
rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*