



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

CRM-M-6916-2025

Reserved on: 12th March, 2025

Pronounced on: 24th March, 2025

Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sauhard Singh, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J :-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 138 dated 22.03.2024 registered under Sections 148, 149, 323, 324 and 307 of IPC (Section 326 of IPC added later on) at Police Station City, District Palwal, Haryana. His previous petition bearing CRM-M-47908-2024, had been dismissed as withdrawn vide order dated 27.09.2024.

2. As per the prosecution case, on 22.03.2024, an altercation had taken place between accused Netram and Gopal, who were real brothers and were having dispute over some property. At that time, Gopal and his sons Umesh and Rajesh had assaulted Net Ram. Thereafter, Netram, Gopal and his sons came to Civil Hospital, Palwal for getting their medical examination conducted. Both Gopal and Netram had called some persons in the hospital itself. A dispute again occurred and accused Gopal made an exhortation thereby instigating 15-20 youths called by him at the spot, to open an



assault. Those youths who included the petitioner opened an assault upon the members of the party of Netram. The petitioner was carrying an axe in his hands. Accused Gopal gave a *lalkara* to kill victim Yashvir Singh, who was also present at the spot and after that one muffled face youth, who was accompanying accused Gopal, struck a blow with *farsa* on the head of victim-Yashvir. Thereafter the present petitioner also struck blow with axe on his head and other accused caused injuries with *lathees* and *dandas* to the victim and then, they fled from the spot.

3. As per the further allegations, on receipt of intimation about the incident, the complainant, who is father of the victim rushed towards the spot and found his son to be in a critical condition. He was taken to Metro Hospital, Faridabad. The complainant identified the assailants on the basis of CCTV footage of the camera installed in the Civil Hospital, Palwal. Initially, a case under Sections 148, 307, 323 and 324 read with Section 149 of IPC was registered. Offence under Section 326 of IPC was added later on. The accused Rajesh and Sanjay were arrested on 26.03.2024. They suffered disclosure statements. Subsequently, statements of some of the injured were also recorded. The petitioner along with some accused was arrested on 08.04.2024. He got recovered an axe used in the crime. Investigation stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that it is a case of version and cross-version. The police did not register a case against the members of the complainant party despite the fact that three of them had sustained injuries in the same incident. It was the complainant party who



was the aggressor. Injury sustained by the victim Yashvir, which has attracted Section 307 of IPC, has not been attributed to the petitioner specifically. Two eye-witnesses Partap and Ravinder have also not attributed such injury to the petitioner. Seven of the co-accused have been extended benefit of bail. On parity, he too deserves to be given the same benefit. Trial would take time. He has been in custody since long. His further incarceration would not serve any useful purpose. Therefore, it is urged that the petitioner deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that there are serious allegations against the petitioner. He was not only named in the FIR but specific and serious injuries on the person of victim Yashvir have been attributed to him. The head injury i.e. injury No.1 sustained by victim has been opined to be dangerous to life. In the same incident, victims Subhash and Pawan had sustained grievous injuries. The victim Yashvir is still unfit. The allegations against the petitioner are serious in nature. There are chances of his intimidating the witnesses, committing similar offences and absconding, if extended benefit of bail. As such, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have formed membership of an unlawful assembly on the fateful day and in prosecution of common object of that unlawful assembly, he is alleged to have caused simple as well as grievous injuries to the victim Yashvir. One of the injuries so sustained by



the victim has been opined to be dangerous to life. It has, however, been revealed from the record that the members of the party of the petitioner had also sustained injuries in the same incident. Trial has commenced but is likely to take time to conclude. The petitioner does not have any criminal antecedents. He is in custody for a period of about one year. His further incarceration would not serve any useful purpose. The injuries on the person of the victim Yashvir have been attributed not only to the petitioner but to the co-accused as well. Therefore, it is debatable as to whether, the injury which was opined to be dangerous to life, had been sustained at the hands of the petitioner or not? Keeping in view the period of his incarceration and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

24th March, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No