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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53400-2024 (O&M)
Date of Decision:- 09.01.2025

OM PARKASH

Versus

....Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Kuldeep Singh Siwach, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
246	12.06.2024	323, 324, 341, 506 and 34 IPC; 25 of the Arms Act; (325, 326, 307 IPC added and 25 Arms Act deleted later on)	Sadar Fatehabad, District Fatehabad

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of party faction and being the father of co-accused Vikram alias Vicky, with whom the complainant was having a dispute. He submits that even as per the FIR, the petitioner allegedly attributed a simple injury with



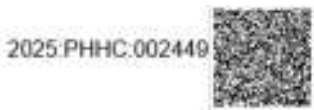
a blunt weapon on the shoulder of the complainant. He submits that the petitioner is not having any criminal antecedents and is in custody since 27.06.2024. The police has already presented the challan after the completion of investigation, thus, prays for grant of bail to the petitioner.

3. On the other hand, learned State counsel has opposed the petition by referring to the status report submitted by the State by contending that the petitioner is named in the FIR to have actively participated in the crime and has specifically caused injury to the complainant with a *kappa*, hence prayed for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of complainant-Rajpal to the effect that on 10.06.2024 at about 07:30 PM, when he along with his brother was sitting in front of Animal Hospital, Vikram @ Vicky (son of the petitioner) came on a motorcycle and started blowing the horn, which was resisted by the complainant and his brother upon which Vikram @ Vicky started abusing them and attacked the complainant with a bodkin by giving him repeated blows, while the brother of Vikram @ Vicky namely Surjit tried to take out a pistol, but the complainant pushed him away. The petitioner on coming to the spot, also hit the complainant with a *kappa*. Accordingly, the FIR was registered and the petitioner was arrested on 27.06.2024.

6. From the perusal of the record, it is apparent that the injury attributed to the petitioner is simple in nature caused with a blunt weapon.



The petitioner is not having any criminal antecedents and after the completion of investigation, challan has already been presented in Court, wherein the prosecution has cited 21 witnesses but till date no witness has been examined. The petitioner, aged 53 years, has no criminal antecedents and his criminal liability, if any, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.01.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No