



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-56995-2024 (O&M)
Date of Decision:- 27.01.2025

Krishan Kumar and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Salil Dev Singh Bali, Advocate with
Ms. Simmy, Advocate, for the petitioners.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
assisted by SI Prem Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
143	09.06.2024	Siwani, District Bhiwani	147, 148, 149, 308, 323, 365 and 506 IPC (challan submitted under Sections 308, 323, 506, 341, 34, 325 IPC)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioners seeking grant of regular bail in respect of aforementioned FIR.



2. The FIR was lodged at the instance of Arjun Kumar @ Ankit, wherein it is alleged that on 8.6.2024 at about 10:00 P.M. he alongwith his brother Krishan and Jaipal were having food near a liquor vend. It is alleged that Ishwar, Rajesh, Balraj, Arjan Singh, Parveen, Kamal, Sher Singh, Jagdish, Happy & Risal Singh accompanied by 3-4 other persons came there, who were carrying sticks and iron rods and tried to catch hold of complainant's brother Krishan, but said Krishan ran towards the fields. The assailants, however, managed to chase Krishan and caught hold of him. It is further alleged that Krishan was forced into a vehicle and was inflicted injuries with sticks and iron rods. It is also stated therein that the assailants also snatched a bag carried by Krishan containing an amount of Rs.5 lakhs and one G-Shock watch. The accused Arjan Singh and Krishan tried to run over their Bolero and Camper vehicles over complainant's brother Krishan. Later when complainant's uncle and grandfather reached there, but the assailants ran away from the spot.
3. Learned counsel for the petitioner submitted that although the petitioner is named in the FIR, but even if all the allegations as alleged are taken to be correct, the same would not attract any offence under Section 308 of Indian Penal Code inasmuch as all the 6 injuries stated to have been found on the person of injured Krishan were on non-vital parts. It has further been submitted that at best it is a case which would attract an offence under Section 325 IPC as admittedly the accused were carrying only blunt edged weapons in the nature of



sticks and iron rods. It has also been submitted that both the petitioners as on date have been behind bars for the last more than 7 months and since identically situated co-accused Balraj has already been granted bail by this Court, the petitioner deserves the concession on the ground of parity as well.

4. Opposing the petition learned State counsel submitted that having regard to the number of injuries inflicted upon injured Kirshan including 3 fractures, it is evident that all the accused had attacked the injured in a premeditated plan so as to eliminate him and by sheer luck that the injured survived. Learned State counsel, however, not disputed that the petitioners as on date have been behind bars since the last more than 7 months. It has also been informed that challan already stands presented, but charges are yet to be framed and as many as 22 PWs have been cited.
5. This Court has considered rival submissions addressed before this Court.
6. While it is correct that both the petitioners stand named in the FIR and had participated in the occurrence in question, but admittedly it is a case where the accused were armed with blunt edged weapons in the nature of sticks and rods. Even none of the six injuries found on the person of the deceased was on any vital organ and are all in the nature of contusions or abrasions. Under these circumstances it would be debatable as to whether fact of the case would fall within the ambit of



Section 308 IPC or Section 325 IPC. Both the petitioners have been behind bars for a substantial period of more than 7 months and identically situated co-accused have already been granted bail. Having regard to the totality of the facts and circumstances of the case and while also noticing the custody of the petitioners, the petition is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.01.2025

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No