



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

243

CRM-M-233-2025

Date of decision: 14.01.2025

PARDEEP

....Petitioner

V/s

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. Shivam Sachdeva, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in this second petition is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.104 dated 12.03.2024 under Sections 148, 149, 323, 341, 506 (Sections 307, 324, 325, 326 added later on) of the IPC registered at Police Station Kurukshetra University, District Kurukshetra.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the FIR in question, has contended that allegedly the petitioner was armed with a spatula alongwith the co-accused attacked the injured Om Parkash as a result of which he sustained as many as 7 injuries on his person. Learned counsel has submitted that although the petitioner has been falsely implicated in the present case, however, even assuming for the sake of arguments, though not conceded that the petitioner had indeed inflicted an injury on the person of injured Om Prakash, it was on his right



leg, which is a non-vital part of the body. Furthermore, the said injury was not opined to be dangerous to life but was merely a fracture attracting the mischief of an offence under Section 325 of the IPC. It has also been submitted by the learned counsel that injury which was opined to be dangerous in life had been attributed to co-accused Jai Pal who has since been extended the concession of bail by the trial Court vide order dated 26th December, 2024. Learned counsel submits that in the facts and circumstances coupled with the fact that the petitioner has no previous criminal antecedents, challan stands presented and charges also framed, further incarceration of the petitioner, who has been in custody since 10th April, 2024, would serve no useful purpose.

3. Per contra, learned State counsel assisted by Mr. Shivam Sachdeva, Advocate for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite and reiterated the allegations levelled in the FIR in question which has been Annexed as Annexure P-1 and stands reproduced hereunder:

“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 convince 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 Parkash 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 12.03.2004. SD/- Sanjeev Kumar applicant."

4. However, it has not been refuted on instructions by the learned State counsel that the petitioner has not been attributed the injury which was opined to be dangerous in life and instead has been attributed a fracture on the right leg of the injured Om Prakash. Learned State counsel, on further instructions, has not disputed the stage of trial and has further submitted that the next date of hearing is 13th February, 2025, when the prosecution evidence is likely to commence. On a pointed query, learned State counsel, on instructions, has informed the Court that the petitioner has no previous criminal antecedents.

5. Learned counsel for the complainant, however, has contended that the petitioner was part of the unlawful assembly and had without any provocation, attacked the injured, who is a 75 years old man, as a result of which he sustained injuries which find due corroboration with the medical evidence on record.

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



7. The petitioner has been in custody since 10th April, 2024. The investigation is complete. However, since none of the prosecution witnesses have been examined till date, there is no likelihood of the trial concluding in the near future.
8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.
9. 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.
10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 14, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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