

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

Date of decision : November 28, 2016

1. CRM-M No.40784 of 2016

Uttam vs State of Haryana

2. CRM-M No.41148 of 2016

Monu @ Rahul vs State of Haryana

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kunal Dawar, Advocate
for the petitioner in CRM-M No.40784 of 2016.

Mr. Aditya Jain, Advocate
for the petitioner in CRM-M No.41148 of 2016.

Ajay Tewari, J (Oral)

This order shall dispose of the aforesaid two petitions.

The petitioners seek grant of regular bail in case FIR
No.684, dated 17.8.2016, registered under Sections 323, 324, 307, 506,
34 of the IPC and Section 25 of the Arms Act, at Police Station Camp
Palwal.

affidavit of Dinesh Yadav, Deputy Superintendent, District Prison, Faridabad has been filed. At the very outset, learned Addl. AG Haryana states that in the custody certificate as against FIR No.264/2013, it has been wrongly mentioned that the petitioner is not on bail whereas he is actually on bail. He is allowed to make necessary correction in the custody certificate.

Counsel for the petitioners have argued that Section 307 of the IPC has wrongly been invoked as it is of no injury case and the present injuries are only under Sections 323, 324 of the IPC and there is delay of one day in the lodging of the FIR.

Learned Addl. AG Haryana states that petitioner-Mohit had actually shot at the victim but that shot missed. He has accepted that the injuries caused by petitioner-Monu @ Rahul and some other co-accused were simple in nature.

Petitioner-Uttam has been in custody for 3 months and 7 days, while petitioner-Monu @ Rahul has been in custody for three months. In view of the aforesaid facts and without commenting upon the merits of the case, as well as keeping in view the period of custody already suffered by the petitioners, I do not deem it appropriate to deny the concession of regular bail to the petitioners.

Bail to the satisfaction of the trial Court/Duty Magistrate.

CRM-M No.40784 of 2016

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Petitions stand disposed of.

November 28, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No