

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

**Crl. Misc. M – 14719 of 2020 (O&M)**  
**DATE OF DECISION: 25.09.2020**

Sandeep and another ..... Petitioners.  
Vs.

State of Haryana .....Respondent

**CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Sudhir Kashyap, Advocate, for  
Mr. Gaurav Mohunta, Advocate, for the petitioners.  
Ms. Dimple Jain, AAG, Haryana.

**ALKA SARIN, J (Oral)**

Heard through Video Conferencing.

The present petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in FIR No.630 dated 09.09.2019 under Sections 148, 149, 323, 307, 452 and 506 of the Indian Penal Code, 1860 (Section 307 IPC was added later i.e. on 30.10.2019) registered at Police Station Gharaunda, District Karnal, Haryana.

On 25.06.2020, the following order was passed:-

*“Heard through video conferencing.*

*The present petition under section 439 of the Code of Criminal Procedure, 1973, is for grant of regular bail to the petitioners in FIR No.630 dated 09.09.2019 under sections 148, 149, 323, 307, 452 and 506 of the Indian Penal Code, 1860 (Section 307 IPC was added later i.e. on 30.10.2019) registered at Police Station Gharaunda, District Karnal, Haryana.*

*Learned counsel for the petitioner has contended that there is no specific injury which has been attributed to the petitioner in the FIR. It is further stated that the allegation in the FIR is that the petitioners were carrying swords.*

*However, only a danda has been recovered from both the petitioners and therefore, neither the recovery nor the alleged injury inflicted on the complainant or other victims can be connected with the petitioners. It is further argued by learned counsel for the petitioners that initially the challan was presented against all the accused mentioned in the FIR. However, subsequently, a supplementary challan was presented before the trial Court on 28.05.2020 in which out of the 8 accused named in the FIR, 4 accused namely, Shish Ram, Ram Niwas, Kanta and Ashok have been found innocent and have been put in column No.2 of the same.*

*I have heard the learned State counsel who on instructions from SI Sultan Singh, was not in a position to dispute the fact that no specific injuries have been attributed to the petitioners.*

*In view of the above, without commenting anything on the merits of the case and considering the facts that the petitioners have been in jail since 15-09-2019 and 31-12-2019, respectively, I deem it appropriate to grant interim bail to the petitioners till the next date of hearing. The petitioners shall be released on interim bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate. List the matter on 28.08.2020.*

*On the adjourned date let a complete status report be filed by the learned State counsel.”*

Learned State counsel has filed the status report by way of affidavit of Ram Dutt, HPS, Deputy Superintendent of Police, Gharaunda, wherein it has been stated that the petitioners have been attributed simple injuries and Section 307 IPC is not attracted and that the sharp-edged weapon injury has been attributed to the co-accused, Ishwar, and the blunt injury was by Satish with Gandasi. It has further been stated

in the status report that Ishwar and Satish, both the co-accused, who have been attributed the injuries by the sharp-edged weapon and Gandasi, have been released on interim bail by the Court of Additional Sessions Judge, Karnal.

In view of the above and without commenting on the merits of the case, the order dated 25.06.2020 is made absolute. It would, however, be open to the Prosecution to apply for cancellation of the bail in case the petitioners are found to be misusing the concession of bail in any manner.

Disposed off.

**September 25, 2020**  
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**(ALKA SARIN)**  
**JUDGE**

Whether speaking/non-speaking: Yes/No  
Whether reportable: Yes/No