

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

CRM-M-18909-2021

DECIDED ON: 2nd JULY, 2021

RAJ KUMAR ALIAS RAJU AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Fateh Saini, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition for regular bail in case FIR No. 5, dated 07.01.2021, under Sections 148, 149, 323, 324, 341, 506 of IPC (Section 326 IPC added later on) registered at Police Station Barara, District Ambala (Haryana) is filed by Raj Kumar alias Raju and Aniket alias Hunny.

The brief facts of the case are that FIR was got registered by Bhushan Lal S/o Shoran Lal. It was stated that on 06.01.2021, Raj Kumar @ Raju, Aniket @ Hunny, Kaku, Rajni, Aman, Kapil Kuldeep, Sandeep armed with weapons i.e. Danda, saria, etc attacked the complainant and inflicted injuries.

Learned counsel for the petitioners submits that the petitioners are in custody since 21.01.2021. The investigation is completed and the challan stands presented. No recovery is to be made. It is submitted that even as per the FIR, there was earlier incident and the parties were carrying grudges against each other. He further submits that Section 326 IPC has been added later on.

Learned State counsel, on instructions from ASI Amit Kumar, opposes the prayer of bail and submits that petitioner No. 2- [Aniket @ Hunny](#) is involved in another case. He argues that the main injuries are attributed to the petitioner.

Petitioners are in custody for more than six months. Investigation is complete; injuries attributed to the petitioners are on non-vital part of body i.e. the arm and hand. No recovery is to be made. As per the case of the prosecution both the petitioners have got recovered swords. The co-accused was granted bail. In spite of the presentation of the challan, conclusion of trial is likely to take time. Petition is allowed, the petitioners are ordered to be released on bail subject to their furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is clarified that anything stated hereinabove shall not be construed as an expression on the merits of the case and is only for the purpose of deciding the bail application.

2nd JULY, 2021

shabha

**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>