

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

**CRM-M-32904-2021
Date of decision: 18.08.2021**

Himanshu @ Masum

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0133 dated 28.03.2021, registered under Sections 148, 149, 323, 324, 341 and 506 of the IPC (Section 307 IPC added later on) at Police Station Urban Estate, Rohtak, District Rohtak. Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant-Balraj, it is stated that when he was coming back to his home along with his friend Aryan Rathi and others, 05-06 boys started beating him and out of them, he knew the names of Himanshu Lathar and Ronak Rana. It is further stated that they caused him injuries with eye poker, sticks and bricks and when he raised the voice, neighbourhood people gathered and rescued him.

Learned counsel for the petitioner further submits that the FIR was initially registered under Sections 323, 324, 341, 506, 148 and 149 of the IPC.

Learned counsel for the petitioner further submits that

thereafter, the petitioner was arrested and he was released on regular bail.

Learned counsel for the petitioner further submits that after obtaining a report from the medical opinion dated 27.05.2021, it was stated that the injuries No.2 and 3 were found to be dangerous to life and Section 307 of the IPC was invoked and the petitioner was re-arrested.

Learned counsel for the petitioner further submits that the co-accused namely Love and Varun have already been granted concession of anticipatory bail after adding of Section 307 IPC, whereas, the petitioner was arrested as he has attributed the said injury.

Learned State counsel has filed the custody certificate in the Court today and the same is taken on record and as per the same, petitioner is not involved in any other case and he is in judicial custody for the last about 02 months and 09 days.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a young person aged about 18 years and is stated to be less than 18 years of age on the date of incident and also in view of the fact that initially he was released on regular bail and was then re-arrested after invoking Section 307 of the IPC and the investigation is complete, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2021
Chetan Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No