

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

CRM-M-45316-2021 (O&M)

Date of decision: 14.12.2021

Gurbachan Pal and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S. Hundal, Senior Advocate with
Mr. Vikramjeet Singh, Advocate for the petitioners.

Mr. Surender Singh, AAG Haryana.

Mr. T.P. Singh, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 367 dated 24.06.2021, registered under Sections 148, 149, 323, 325 and 307 IPC, at Police Station Gharaunda, District Karnal.

Reply by way of affidavit 26.11.2021 of the Deputy Superintendent of Police, Gharaunda (Karnal), already filed in the Registry, is taken on record.

Learned Senior counsel for the petitioners submits that as per the Medical Report dated 25.08.2021(Annexure P-10), all the injuries on the

person of injured were declared grievous in nature but not dangerous to life. The alleged injuries attributed to the petitioners are on legs of injured-Gurjinder Singh. The petitioners have been in custody since 01.07.2021.

Learned State counsel assisted by learned counsel for the complainant, while vehemently opposing the prayer for bail, submits that initially, as per the opinion of the Doctor of Government Hospital, there was only one injury upon the injured, but as per the opinion of the Board of Doctors of private hospital conducted thereafter, there were 16 injuries on the person of the injured.

Additionally, learned counsel for the complainant submits that though the injuries were not on the vital part, yet the fact remains that the complainant is still undergoing treatment from the hospital and is not even able to walk properly.

However, learned State counsel does not dispute the custody period of the petitioners. Challan stands presented, but prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 01.07.2021. There is no injury on the vital part of the injured. Challan stands presented. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would taken a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(HARNARESH SINGH GILL)
JUDGE

14.12.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No