

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

CRM-M-663-2022

Date of decision: 10.03.2022

Gajender and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vijay Pal, Advocate,
for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek regular bail in case bearing FIR No.463 dated 30.08.2021, registered at Police Station City Hisar, District Hisar, under Sections 120-B, 323, 325, 341, 308, 506, and 34 IPC and Section 25 of the Arms Act, 1959.

Copy of status report dated 18.02.2022, by way of affidavit of the Deputy Superintendent of Police, Law and Order, District Hisar, filed in the Registry, is taken on record.

Learned counsel for the petitioners contends that the petitioners are not named in the FIR; that the petitioners have in custody since 01.11.2021; that initially, the above-noted FIR was registered under Sections 120-B, 323, 325, 341, 506 and 34 IPC and Section 25 of the Arms Act, 1959; that Section 308 IPC was added later on, in the above-noted FIR after taking the opinion from the private hospital, as per

the revised MLR; that as per the MLR dated 28.08.2021 (Annexure P-2) issued by the Civil Hospital, Hisar, there were two injuries on the person of the complainant i.e. one of the right side of the leg and another was swelling on the right wrist joint; that the complainant was shifted to a private hospital i.e. Arora Orthopaedic Hospital, on 29.08.2021 and on the basis of a certificate issued by the said hospital, a revised MLR was issued by adding two more injuries i.e. deformity on the right ankle and swelling on the left forearm; that all the injuries are stated to have been caused with blunt weapon(s); that the injuries are on the non-vital parts of body of the complainant and that the ingredients of Section 308 IPC are not made out against the petitioners. He further contends that out of four other cases registered against petitioner No.1, he stands acquitted in three cases and released on bail in one case, whereas petitioner No.2 stands acquitted in 11 other cases registered against him and petitioner No.3 stands acquitted in all the six cases registered against him.

On the other hand, learned State counsel, submits that the petitioners alongwith co-accused had given beatings to the complainant. He further submits that keeping in view the nature of the offence, the petitioners are not entitled to the benefit of regular bail.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 01.11.2021. The injuries on the person of the complainant are on the non-vital parts of his body. Trial will take time to conclude. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition

is allowed and the petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

10.03.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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