

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

CRM-M-5026-2022

Date of decision: 11.02.2022

Malak Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Surender Singh, AAG, Haryana.

Mr. Himanshu Gupta, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.267 dated 25.10.2021, registered at Police Station Guhla, District Kaithal, under Sections 323, 324, 506 and 34 IPC (Sections 201, 325 and 326 IPC added later on).

Learned counsel for the petitioner contends that the petitioner has been attributed only one injury on the left arm of the complainant with a *gandasi*; that it is a case of version and cross-version; that on the complaint of petitioner, FIR No.269 dated 25.10.2021, under Sections 307 and 34 IPC and Section 25 of the Arms Act, 1959, Police Station Guhla, District Kaithal, was registered against the complainant and others; that the alleged occurrence took place within the jurisdiction of Kaithal, but the complainant got himself medico-legally examined in

the hospital at Patiala i.e. too far away from the Government Hospital, Guhla, and that the petitioner has been in custody since 02.11.2021.

On the other hand, learned State counsel assisted by the learned counsel for the complainant, while opposing the submissions made by the learned counsel for the petitioner, contends that out of 07 injuries on the person of the complainant, injuries No.1 and 5 had resulted into fractures. Learned State counsel, on instructions from SI Ramesh Chander, submits that recovery of motor-cycle and *gandasi*, used in the commission of crime, has since been effected from the petitioner; that in the present case, the challan stands presented under various sections, including Section 326 IPC and that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The challan stands presented under various sections, including Section 326 IPC. Only one injury on the left arm of the complainant has been attributed to the petitioner. Moreover, on the complaint of the petitioner, FIR No.269 dated 25.10.2021, under Sections 307 and 34 IPC and Section 25 of the Arms Act, 1959, Police Station Guhla, District Kaithal, stands registered against the complainant and others. The petitioner has been in custody since 02.11.2021. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his

furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

11.02.2022

parveen kumar

Whether reasoned/speaking?

Whether reportable?

(HARNARESH SINGH GILL)

JUDGE

Yes/No

Yes/No