

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

223

CRM-M-6092-2022

Date of Decision : **February 17, 2022**

AMIT KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. C.P.Tiwana, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present 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.189 dated 9.9.2021 under Sections 307, 323, 341, 506, 148, 149, 34 IPC and Sections 25 and 27 of the Arms Act (Sections 148 and 149 IPC and Section 27 of Arms Act were added later on), Police Station Titram, Distt. Kaithal.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 8.10.2021 and the investigation of the case has already been completed by the police and the challan has been presented before the competent Court and no recovery is to be effected from the petitioner. He further submitted that it is a case where the petitioner was not named in the FIR and it was only after a period of 20 days that the complainant had got recorded his supplementary statement before the police due to which the name of the petitioner was mentioned. He further submitted that even as per the supplementary statement of the complainant, the allegation against the petitioner was only pertaining to giving of slaps and fists blows and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct the petitioner is in custody from 8.10.2021 and that his name was nominated after the recording of the supplementary statement by the complainant and the allegation was that he gave slaps and fists blows to the complainant. He further submitted that it is also correct that the investigation of the case has already been completed and no recovery is to be effected from the petitioner.

I have heard the learned counsels for the parties.

The petitioner is in custody from 8.10.2021 and the investigation of the case has already been completed. The petitioner was not named in the FIR and even as per the allegation contained in the supplementary statement, the only allegation against the petitioner was that of giving of slaps and fists blows and no injury has been attributable to the petitioner. The challan was presented in the present case on 17.12.2021 and, therefore, the trial of the case would take long time.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

February 17, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No