

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12415-2022

Date of Decision:-27.05.2022

Krishan Kumar.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Raman Chawla, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.06 dated 06.01.2021 under Sections 323, 324, 326, 379-B, 452, 34 IPC (Section 307 IPC added later on) and Section 25 of the Arms Act registered at Police Station Sadar Fatehabad, District Fatehabad.

The brief facts of the case are that the statement of Mange Ram was recorded to the effect that he along with Krishan son of Hanuman were present at the liquor shop, when Krishan son of Om Parkash and Vicky son of Indraj and one unknown person came to the liquor shop and demanded a bottle of liquor. When they asked for money a quarrel began and the three accused entered into the liquor shop. Krishan Kumar gave a knife blow in the abdomen of the complainant and on his hands and legs whereas Vicky

and the unnamed boy gave a blow on the head of Krishan son of Hanuman. Krishan son of Om Parkash snatched Rs.18,000/- from the cash box. On a noise being raised by them the accused ran away from the spot along with their weapons and money.

The Counsel for the petitioner submits that one Meeta @ Amit Nain has been attributed the injury attracting Section 307 IPC on the head of Krishan son of Hanuman. He further contends that only simple injuries on the persons of the complainant Mange Ram have been attributed to the petitioner. He contends that the petitioner is in custody since 13.01.2021 and the trial has not made any progress and, therefore, he was entitled to the grant of bail.

The Counsel for the State on the other hand contends that the petitioner along with his co-accused have committed the offence in question. Though, undoubtedly, the injury attracting Section 307 IPC on the person of Krishan son of Hanuman has not been attributed to the petitioner but to his co-accused. He also submits that Rs.5,000/- have been recovered along with a knife allegedly used in the occurrence along with motor cycle from the petitioner. He contends that the nature of the offence and the manner in which it was committed does not entitle the petitioner to the grant of bail.

I have heard counsel for both the sides at length.

Admittedly, the petitioner has not been attributed the injury attracting Section 307 IPC. He is in custody since 13.01.2021 and the trial has not made much progress. He is of the age of 23 years with no prior record.

Keeping in view the aforementioned facts, the further

incarceration of the petitioner is not required. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner- **Krishan Kumar** son of Om Parkash is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 27, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>