

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

231

CRM-M-14523-2022(O & M)

Date of Decision : **July 18, 2022**

Sanjay

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.S.S.Mor, Advocate
for the petitioner.

Mr.N.S.Panwar, DAG Haryana

JASGURPREET SINGH PURI . J. (Oral)

CRM-17116-2022

This is an application for placing on record the opinion of
doctor as Annexure P-5.

Application is allowed as prayed for subject to all just
exceptions.

Annexure P-5 is taken on record.

CRM-M-14523-2022

The present petition has been filed under Section 439 of the
Code of Criminal Procedure for the grant of regular bail to the petitioner
in FIR No.07 dated 05.01.2022 under Sections 148,149,323, and 506 of
the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959
(Sections 324, 325 and 326 IPC added later on), registered at Police
Station Badli, District Jhajjar.

It has been submitted by the learned counsel for the
petitioner that the petitioner is in custody since 30.01.2022 and the
investigation of the case has already been completed and thereafter the

challan has been presented before the learned trial Court under Section 173 Cr.P.C. He submitted that it the case where the allegations were pertaining to a fight between the parties and it was a case of version and cross version. He further submitted that so far as the allegations against the petitioner are concerned, the same pertains to giving of false blow on the head of one Jagwanti and in the medical opinion the same has been declared to be simple in nature. Learned counsel further submitted that other co-accused namely Paramjeet, Pawan and Ramdhan have been granted bail by the trial Court. He submitted that considering the alleged role of the petitioner and the fact that the investigation of the case has been completed, he may be considered for the grant of regular bail. He also submitted that the petitioner does not have any criminal antecedents and he is not involved in any other case. He further submitted that during the course of investigation, provision of Section 307 IPC was deleted and Section 326 IPC has been added in the case and therefore, the case is triable by the Magistrate.

On the other hand, Mr. N.S. Panwar, DAG, Haryana, has submitted that it is correct that the petitioner is in custody from 30.01.2022 and he is not involved in any other case. He further submitted that it is also correct that the investigation of the case has been completed and challan has been presented and it is a case of version and cross version and some of the co-accused have been granted bail by the learned trial Court and injuries have been suffered by both the parties. He opposed the bail on the ground that the opposite party was seriously injured, therefore Section 307 IPC was deleted and Section 326 IPC has been added.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner is in custody since 30.01.2022. The investigation of the case has been completed and the petitioner is not involved in any other case. The fight took place between two parties in which both the parties have suffered injuries. It is only at the time of the trial that it is to be ascertained as to who is the aggressor party. Furthermore, it is not the case of the State that in case the petitioner is granted bail then he may abscond or may tamper with the evidence.

Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled for grant of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

18.07.2022

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No