

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

CRM-M-17513-2022 (O&M)

Date of decision: 25.08.2022

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 216 dated 29.04.2021, registered under Sections 148, 149, 323, 325, 326 and 506 IPC, at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Status report by way of affidavit dated 24.08.2022 of the Deputy Superintendent of Police, Radaur (Yamuna Nagar), along with Annexures, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that it is a case of version and cross-version; that FIR No. 58 dated 02.02.2021, has already been registered against the complainant party under Sections 148, 149, 323, 324, 325, 506 IPC at Police Station Sadar Yamuna Nagar, by Suman, who is wife of Kulwant Singh-one of the accused in the FIR in question; that another FIR No. 217 dated 29.04.2021, has also been registered against the

complainant party under Sections 148, 149, 323 and 452 IPC, by Suman; that Section 325 IPC was added on 29.07.2021 i.e. after a gap of three months of the incident, thereafter, Section 326 IPC was also added; that the fist blow on the eye of Isham Singh, who went with the complainant party to the house of Joginder Singh, has been attributed to the petitioner and that the petitioner has been in custody since 26.02.2022.

He further submits that co-accused Balwan has already been granted the concession of regular bail vide order dated 04.07.2022 passed by this Court and seeks parity with him.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and injury entailing the offence under Section 326 IPC has been attributed to the petitioner. As per the report of the Doctor, the injury on the left eye of Isham Singh is grievous in nature. However, he does not dispute the custody period of the petitioner and the fact that co-accused Balwan has already been enlarged on bail. He submits that the challan stands presented and the charges are yet to be framed.

I have heard the learned counsel for the parties.

Though the injury attributed to the petitioner is stated to be grievous in nature, but the fact remains that the petitioner has been in custody since 26.02.2022. Co-accused Balwan has already been enlarged on bail. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

25.08.2022
Mangal Singh

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