

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

224

CRM-M-19712-2022

Date of Decision: 26.08.2022

Sandeep Kumar @ Deepak Kumar @ Sanjeev ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.S.Sidhu, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Gurmesh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.226 dated 10.08.2021 at Police Station Kalanwali, District Sirsa, under Sections 323/341/506 IPC (Sections 325/307 IPC added later on), wherein the allegations against the petitioner are broadly to the effect that the petitioner had inflicted two blows on the head of the complainant with a stick.
2. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if the contents of the FIR are taken to be correct, it cannot be said that the injuries were inflicted with an intention to cause murder of the complainant.
3. Opposing the petition, learned State counsel has submitted that since both the injuries have been declared grievous in nature and have also been opined to be dangerous to life, the petitioner does not deserve the concession of bail. It has been informed that the petitioner is also

involved in one more case under the NDPS Act and is presently behind bars since the last more than 7 months. It has also been informed that although charges have been framed, but only 1 PW out of cited 10 PWs has been examined till date.

4. I have considered rival submissions addressed before this Court.
5. It is no doubt correct that the petitioner is specifically named in the FIR and there are specific allegations against him regarding the petitioner having inflicted injuries on the head of the complainant, which have been opined to be dangerous to life. However, it is a case where the injuries have been inflicted with the help of a stick. It will be debatable as to whether the case in hand would fall within the rigors of Section 307 IPC or as to whether Section 308 IPC would be attracted. In any case, the petitioner has been behind bars for a substantial period of more than 7 months. Conclusion of trial is likely to consume time inasmuch as only 1 PW out of cited 10 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.08.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**