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

**CRM-M-21954-2022
Date of Decision: 30.05.2022**

Bharat Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.(Oral)

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0318 dated 07.08.2021 registered under Sections 323, 324, 34, 506 IPC, 1860 at Police Station and (Section 326 IPC added later on) at Police Station Sadar Jhajjar, District Jhajjar, Haryana.

The brief facts of the case are that the FIR came to be registered at the instance of Himanshu son of Kamal Singh to the effect that on 06.08.2021, he had gone to the shop of Yogesh to get his shave and Yogesh son of Hari Kishan and Bharat Singh son of Hari Kishan both were sitting there. On being asked to get his shave done, they started exchanging hot words with him as there had already been a few

altercations with them earlier. They went on to assault him with scissors and a shaving blade on his chest, stomach, hands and head. On his raising a noise, Pawan son of Satbir and Deepak son of Manmohan came to the spot and rescued him.

The learned counsel or the petitioner submits that the version in the FIR is baseless. In fact, on being asked to make payment of dues, it was the complainant, who started a fight with the petitioner, which led to the altercation. He further submits that the petitioner was already on bail till Section 326 IPC was added later on, as per the opinion of the doctor and while on bail, he did not misuse it and therefore, he was entitled to the concession of regular bail. Even otherwise, it was a sudden occurrence and the instruments used as weapons are usually found at a barber shop.

On the other hand, learned State counsel submits that the petitioner does not deserve the concession of bail as he has committed a serious offence on a trivial issue.

I have heard the rival contentions of both the parties.

Admittedly, the petitioner was on bail earlier. Section 326 IPC was added later on and while the petitioner was on bail, he has not misused it in any manner. Further, the petitioner has been in custody since 23.08.2021 and none of the 12 prosecution witnesses have been examined so far.

Thus, keeping in view the clean antecedents of the petitioner as also the fact that the trial is not likely to be concluded in the near future, the further incarceration of the petitioner is not required.

In view of above, without advertng to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(JASJIT SINGH BEDI)
JUDGE

30.05.2022

JITESH

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