

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

CRM-M-23422-2022

Date of Decision:-23.08.2022

Shivam.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Ashish Grewal, Advocate for the Petitioner.

Mr. Saurabh Girdhar, AAG 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.126 dated 18.03.2022 under Sections 324, 506 IPC (Section 307 IPC added later on and Section 308 IPC deleted) registered at Police Station Sadar, Yamuna Nagar, District Yamuna Nagar, Haryana.

The present FIR came to be registered at the instance of Azad son of Narender who stated that he has been doing labour work. On 17.03.2022 while he was coming back on foot and was near Jodian Gurudwara then Shivam (present petitioner) came from behind and seeing him alone gave him blows on his neck, chin and head with knife. He also gave him kicks and fist blows. In the meantime Javed his employer came there and saved him from Shivam who went away from the spot.

The Counsel for the petitioner *inter alia* contends that opinion that the injuries were dangerous to life is incorrect. The petitioner is in custody since 19.03.2022. The challan stands filed and none of the prosecution witnesses have been examined. As the trial is not likely to be concluded in near future, therefore, the petitioner seeks the concession of regular bail.

The Counsel for the State on the other hand contends that the petitioner is the main accused. He has caused multiple injuries on the person of the complainant. A knife was recovered from him which as per the opinion of the doctor was the weapon which was used in the occurrence. Therefore, the petitioner did not deserve the concession of regular bail. He however, concedes that the medical condition of the complainant is satisfactory and he is not suffering from any permanent impairment.

I have heard learned Counsel for both the parties at length.

The petitioner is in custody since 19.03.2022. The challan stands submitted and none of the 09 prosecution witnesses have been examined so far. It would be a matter of adjudication during trial whether the offence under Section 307 IPC is made out against the petitioner or not.

Be that as it may, the further incarceration of the petitioner is not right looking at the period of custody as also the stage of trial.

Thus, without commenting on the merits of the case, the petitioner-**Shivam** son of Sh. Rakesh Kumar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

If any attempt whatsoever is made by the petitioner and/or his/their family members/friends to contact/threaten/intimidate any of the witnesses of the occurrence, the State/complainant shall be at liberty to

move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 23, 2022

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