

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

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CRM-M-26197-2022
Date of decision: 03.08.2022

SAHIL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Karamjit Singh, Advocate for
Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.586 dated 13.09.2021 registered under Sections 148, 149, 323, 324 and 506 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') (Section 325, 326 and 307 of the IPC were added later on) at Police Station Shahabad, District Kurukshetra (Annexure P-1).

2. Briefly, the facts of the case are that the present case has been registered on the complaint made by complainant Avtar Singh @ Bhuri son of Karnail Singh, resident of Ravi Colony, Police Station, Shahabad. District Kurukshetra, alleging therein that :-

*“he is resident of the above mentioned address and
is Truck driver by profession that on 11.09.2021, he and*

his brother Harshdeep and his friend Gurcharan Kaka ann of Sh. Surender Singh resident of Majri Mohalla had been sitting under the shed of Anaj Mandi, Shahabad Markanda At about 7 30 PM, they were talking with each other and his friend Gurcharan Singh told him that there at an old enmity with Sahil Balmiki son of Raju, Sahil Gagat son of Ramesh residents of Balmiki Basti, Shahabad and he is having danger from them and when they were talking with each other, in the mean while on 4-5 motorcycles, Sahil son of Raju, Sahil Gagat son of Ramesh. Varun son of Kala, Karan son of Kala, residents of Balmiki Basti, Shahabad having weapons in their hands and Ankil @ Bhumak, Sam Saraswal, Roshan Bajwa, Gini son of Dabbu, Arjun, Jhadu Chita Keshav and other 5-6 unknown persons started giving abuses to his friend Gurcharan; that Sahil Balmiki son of Raju armed with an iron rod gave a blow of the same on the head of Gurcharan. Thereafter Sahil Gagat son of Ramesh armed with a gandasi gave a blow of the same on the head of Gurcharan and Sain Saraswal, Gini @Dabbu and Keshav armed with dandas gave blow of the same to Gurcharan and other persons gave fist, slap and kick blows to him Then, Gurcharan Singh raised noise of "bachao- bachao, upon which, he and his brother Harshdeep rescued Gurcharan from their clutches: that thereafter, all the accused persons along with their respective weapons ran away from the spot on their motor-cycles by giving threatening to kill Gurcharan. After that, he and his brother Harshdeep took Gurcharan to Govt. Hospital, Kurukshetra and after giving first aid to him, he was referred to PGI, Sector-12. Chandigarh, where, he is under treatment. He requested that legal action be taken against the all the accused persons. On these allegations, the present case was registered”.

contends that the petitioner is in custody since 31.10.2021 and has already undergone an actual custody of nearly 10 months and no prosecution witness has been examined so far. Even though the prosecution has relied upon as many as 15 witnesses. He further submits that the injured victim has already been discharged from hospital. It is also pointed out that the continued incarceration of the petitioner is not likely to advance any interest of justice.

4. Per contra, learned counsel appearing on behalf of respondent-State vehemently argues that the petitioner is attributed the injury caused with an iron rod on the head of the victim which attracted Section 307 IPC and that even though the victim may have been discharged from hospital, however, his condition cannot be said to be perfect. It is however, not disputed by the learned counsel appearing on behalf of the State that the petitioner has undergone an actual custody of nearly 10 months and that he does not have any criminal antecedents. Besides, it is also not disputed that no prosecution witness has been examined so far.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

6. Without examining the merits of the instant case and taking into consideration the age of the petitioner that is 22 years, the stage of the trial, the period of actual custody already undergone as well as the fact that the other co-accused of the petitioner has already been granted the concession of regular bail vide order dated 19.05.2022 in CRM-M-9811-2022, I deem it appropriate to enlarge the petitioner on

bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 03, 2022
vishal sharma

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