

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

SR. No.230

CRM-M-30076-2022

Date of Decision:25.07.2022

CRM-M-30076-2022

Surender

...Petitioner

Versus

State of Haryana

...Respondents

with

CRM-M-30157-2022

Ombir

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Arora, Advocate,
for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

Both these petitions are taken up together for final disposal since prayer in these two petitions is for grant of regular bail arising out of the same FIR.

Both these petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in

FIR No.07 dated 05.01.2022 under Sections 148/149/323/506 of the Indian

Penal Code (Sections 324/325/326 IPC added later on) and Sections 25/27 of the Arms Act, registered at Police Station Badli, District Jhajjar.

It has been submitted by the learned counsel for the petitioners that the petitioner (Surender) is in custody since 10.04.2022 and petitioner (Ombir) is in custody 28.01.2022. He further submitted that after completion of the investigation by the police, challan has already been presented before the learned trial court. He further submitted that it is a case where the allegation is pertaining to fight between two parties and it is a case of version and cross-version and all the injuries suffered by the injured were declared to be simple in nature except one injury which was declared as grievous injury. He also submitted that both the petitioners have clean antecedents and they are not involved in any other case. No recovery is to be effected from the petitioners. He further submitted that during the course of investigation, Section 307 IPC was deleted and Section 326 was added and therefore, both the cases are triable by the Magistrate. He further submitted that three other co-accused have already been granted bail out of which one Sanjay was granted bail by this Court vide order dated 18.07.2022 passed in CRM-M-14523-2022. He further submitted that one of the petitioners, namely, Surender is at parity with the aforesaid Sanjay and so far as the petitioner, namely Ombir is concerned, the only difference is that he has attributed injuries to two people and as per the prosecution, the injury attributed by petitioner-Ombir is grievous in nature.

On the other hand, learned State counsel has submitted that both the petitioners are in custody as aforesaid. He further submitted that

investigation of the case has already been completed and no recovery is to be effected from the petitioners. He further submitted that during the course of investigation, Section 307 IPC was deleted and Section 326 was added and therefore, both the cases are triable by the Magistrate. He further submitted that so far as petitioner-Surender is concerned, he is at parity with other co-accused Sanjay, who has already been granted bail by this Court and with regard to petitioner-Ombir, the role attributed to him was causing grievous injury. He also submitted that both the petitioners are not involved in any other case

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner (Surender) is in custody since 10.04.2022 and petitioner (Ombir) is in custody since 28.01.2022. Investigation of the both cases have been completed. As per the learned State counsel, both the cases are triable by the Magistrate because Section 307 IPC was deleted and Section 326 has been added. No recovery is to be effected from the petitioners and both the petitioners have no criminal antecedents. Three other co-accused have already been granted bail by this Court out of which one Sanjay was granted bail by this Court vide above-said order dated 18.07.2022. Apart from this, it is not the case of the State that in case the petitioners are released on bail, then they may abscond or may influence any witness.

Consequently, both the present petitions are allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate

concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

25.07.2022
mks

(JASGURPREET SINGH PURI)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO