

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

CRM-M-33543-2022
Date of Decision:-**07.09.2022**

SANDEEP KUMAR @ SANDEEP KALE

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.196 dated 27.5.2022 registered under Sections 148, 149, 323, 379-B, 506 IPC and Section 25 of Arms Act (Section 25 of Arms Act was deleted later on and Section 325 IPC was added later on) at Police Station Sadar Jhajjar, District Jhajjar.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. That the police has already dropped the offence punishable under Section 25 of the Arms Act. The counsel for the petitioner further submits that as per the allegations

appearing in the FIR the petitioner and his companions caused simple injuries by giving fist blows to complainant-Manoj Kumar. That as per the medical record one of the said injury was found to be grievous in nature thus attracting provisions of Section 325 IPC, which is a bailable offence. The counsel for the petitioner further submits that as per allegations recorded in the FIR at the time of occurrence amount of ₹18,000/- was also snatched from the complainant. The counsel for the petitioner further submits that the said allegation is totally false, however, the petitioner is still ready to deposit the said amount with the trial Court. The counsel for the petitioner further submits that the petitioner is in custody since 28.5.2022 and after completion of investigation, the police has presented the challan. The counsel for the petitioner further submits that it will take time for the trial to conclude after its commencement and as such no purpose is going to be served by keeping the petitioner behind the bars for any longer period. So prayer is made to grant regular bail to the petitioner.

The present petition is opposed by the State counsel.

Reply by way of affidavit of Mr. Rahul Dev, Deputy Superintendent of Police, City Jhajjar filed on behalf of the State is ordered to be taken on record. The State counsel on instructions from ASI Jagdeep has not refuted the fact that offence under Section 25 Arms Act has been dropped and that after completion of investigation challan has been presented but charges are yet to be framed. The State counsel further submitted that the petitioner is specifically named in the FIR and the petitioner and his companions attacked Manoj Kumar and caused injuries to him.

I have considered the submissions made by counsel for the parties.

As per the allegations appearing on the record, the petitioner and his accomplices caused 4 injuries to Manoj Kumar out of which 1 injury was found to be grievous in nature, which was caused on the jaw. There is no specific allegations that said injury was caused by sharp edged weapon. So apparently the said injury is covered under Section 325 IPC.

In the present case, the petitioner was arrested on 28.5.2022 and after completion of investigation challan has been presented and the trial will commence after the framing of charges. At present, the petitioner is lodged in judicial custody and it will take considerable time for the disposal of trial after its commencement. The counsel for the petitioner has apprised the Court that the petitioner is ready to deposit amount of ₹18,000/- alleged to be snatched at the time of occurrence from complainant-Manoj Kumar.

In the light of the above, no purpose is going to be served by keeping the accused behind the bars for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned. Further subject to deposit of ₹18,000/- by the petitioner with the trial Court within 15 days.

(KARAMJIT SINGH)
JUDGE

07.09.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No