

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

CRM-M-34506-2022

Date of Decision: 12.09.2022

Ishwar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Narender Singh Kamboj, Advocate,
for the petitioner.

Mr. Praveen Bhadu, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

1. This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 487, dated 09.05.2022, under Sections 323/34/506 of the Indian Penal Code, 1860 (Sections 307/201 of the IPC were added later on), registered at Police Station Barwala, District Hisar.

2. Learned counsel for the petitioner has submitted that in the present case the petitioner has been in custody since 31.05.2022 and the investigation is complete and the '*challan*' has been presented and there are 13 witnesses out of whom, none have been examined so far and no specific injury has been attributed to the petitioner as per the FIR. It is further submitted that even as per the disclosure statement of the petitioner, the petitioner is stated to be not armed with any weapon and as per the same, he had only been alleged to have given fist blows & slaps to the injured persons. It is submitted that nothing has been recovered from the petitioner

and the petitioner is not involved in any other criminal case.

3. Learned counsel for the State has opposed the present bail application and has stated that in the present case there are 03 injured persons who had suffered injuries and the petitioner was present at the spot, thus, he does not deserves the concession of regular bail. The other facts are however, have not been disputed.

4. A perusal of the record would show that the petitioner is in custody since 31.05.2022 and the investigation is complete and there are 13 witnesses, none of whom have been examined. No recovery of any weapon has been effected from the petitioner and no specific injury has been attributed to the petitioner as per the FIR. Even as per the disclosure statement made by the petitioner, only fist and slaps are alleged to have been given by the petitioner to the injured persons. The petitioner is stated to be not involved in any other criminal case.

5. Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court.

6. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation

of bail granted to the petitioner.

7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

8. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 12, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No