

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

CRM-M-35788-2022

Date of Decision:-**07.09.2022**

SANJAY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by the petitioner 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 submitted that the petitioner was not named in the FIR. 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 accused

persons 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 the allegation that amount of ₹18,000/- was also snatched from Manoj Kumar, is totally false. 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 resisted by the State counsel.

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 fact that the petitioner is not named in the FIR has also not been refuted by the State counsel.

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

Admittedly, the petitioner was not named in the FIR, which was registered against Mohit, Sandeep and 12/13 other unknown persons. 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 are 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.

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.

(KARAMJIT SINGH)
JUDGE

07.09.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No