

CRM-M-41495-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41495-2021

Date of decision: 05.12.2022

Aakash @ Bhirdania

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anil Kumar Malik, Advocate,
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through the second petition, the petitioner seeks regular bail in case bearing FIR No. 0283 dated 11.06.2020 under Sections 307, 323, 324, 506, 147, 148 and 149 IPC (Sections 325 and 427 IPC added later on), registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, but has been indicted in the present case on the disclosure statement of co-accused, Lakhanpal; that recovery of *gandasi* was effected from the petitioner, and that remaining co-accused have since been granted the concession of bail. He further contends that challan has already been presented; that the petitioner has been in custody since 16.06.2020, and that the petitioner has been released on bail in another case registered against him.

On the other hand, learned State counsel while opposing the

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grant of bail to the petitioner, submits that as per the disclosure statement of co-accused, Lakhanpal, the petitioner had given a sword blow on the head of the Gurwinder Singh; that a *gandasi* stained with blood, was recovered from the petitioner. Even in his statement recorded under Section 161 Cr.P.C., injured-Gurwinder Singh stated that the petitioner had caused an injury on his head, with a sword.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR, but has been indicted in the present case on the disclosure statement of co-accused, Lakhanpal, who has since been granted the concession of bail. As per the prosecution version, the petitioner had caused injury on the head of Gurwinder Singh, with a sword, but recovery of *gandasi* had been effected from him. As stated above, remaining co-accused have since been granted the concession of bail.

The petitioner has been in custody since 16.06.2020. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

05.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No