

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

CRM-M-37931-2022

Date of decision : 30.08.2022

Man Mohan @ Monu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Naveen Kashyap, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.247 dated 15.04.2022, registered for the offences punishable under Sections 148, 149, 323 324 and 506 of IPC (Sections 148, 149 were deleted and Sections 34, 307 and 326 were added later on), registered at Police Station Kharkhoda, District Sonipat.

2. Counsel for the petitioner contends that the incident occurred out of the sudden fight. It was not a case of assault but that of altercation and consequently, version as well as cross-version has been registered. Both the parties have received injuries.

3. He further submits that the allegation is against the petitioner as well as one Chanda of having given axe blow on the head of the complainant. Chanda already stands admitted to regular bail by the trial Court vide order dated 03.08.2022 (Annexure P-4). He further submits that challan already stands presented and the investigation is concluded. The petitioner is in custody since 16.05.2022.

4. Mr. Jain while opposing the bail submits that in fact the petitioner is the main accused and serious allegations have been levelled against him of having caused injuries on the head of the complainant. However, he is not in a position to deny the fact that the investigation already stands concluded. Challan has been presented. Chanda, who is also similarly placed and was also accused of having given injury on the head of the complainant stands admitted to the regular bail by the trial Court. Mr. Jain further submits that there are two more FIRs against the petitioner, though both under the Excise Act.

5. As per the FIR, the altercation took place out of sudden. Co-accused Chanda who is facing the same set of allegations has been granted regular bail.

6. The Court is not commenting on the merits of the case lest it may prejudice the case of either parties. The petitioner is in custody since 16.05.2022. Challan already stands presented. Co-accused who is facing similar charges already stands released on regular bail by the trial Court.

7. Keeping in view the abovesaid facts and circumstances, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

30.08.2022

Dinesh

Whether speaking/reasoned
Whether Reportable :

**(PANKAJ JAIN)
JUDGE**

Yes
No