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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38170-2022
Date of Decision: 31.08.2022

Vishavjeet

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Madaan, Advocate with
Mr. Randhir Singh Thind, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 225 dated 10.08.2021, under Sections 148, 149, 323, 452, 506 IPC (Sections 307 and 325 IPC added later on), registered at Police Station Civil Line, District Jind.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 09.09.2021 which is almost 1 year and the investigation of the case has been completed and thereafter, the challan has been presented before the competent Court but no witness has been examined till date. He further submitted that it is a case where a sudden quarrel took place between two parties who are having a chemist shop in

the same vicinity with a result that the injuries were caused to both the parties. He further submitted that it is a case of version and cross version and the uncle of the present petitioner also received injuries and FIR was lodged against the complainant in which also the challan has been presented before the competent Court. He further submitted that it is yet to be determined at the time of trial as to who was the aggressor party and be that as it may, the petitioner has already suffered incarceration for 1 year and no recovery is to be effected from the petitioner and therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and in the cross version case the challan has been presented against the complainant and his party. He has however opposed the grant of bail to the petitioner on the ground that the role attributable to the petitioner was causing injury on the head of the complainant which was declared to be dangerous to life. He further submitted that the petitioner is involved in one other case under Section 323 and 325 IPC.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 1 year as per the learned counsel for the parties and the investigation of the case has been completed and no recovery is to be effected from the petitioner. The present is a case of version and cross version where as per the learned counsel for the parties, a quarrel took place between two parties who are having chemist shop in the same vicinity. The fact that the petitioner is also involved in one more case under Sections 323 and 325 IPC cannot become

a ground for denial of bail to the petitioner especially in view of the fact that the present is a case of version and cross version and it is only at the time of trial it can be ascertained as to who was the aggressor party and challan has been presented in both the cases of version and cross version. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

31.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No