

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

242

CRM-M-39358-2022 (O&M)

Date of Decision: 08.12.2022

AKASH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. SK Tripathi, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.166 dated 10.05.2022, registered under Sections 307, 324, 34 and 506 IPC and Section 25 of the Arms Act, at Police Station Sarai Khawaja, District Faridabad.

Reply by way of an affidavit dated 21.10.2022 of the Assistant Commissioner of Police, Sarai Khwaja, Faridabad, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that though leg and fist blows on the person of the injured have been attributed to the petitioner, yet the same were on the non-vital parts; that the charges are yet to be framed; that the co-accused has already been granted the concession of bail; that there is no other case registered and/or pending against him and that the petitioner has been in custody since 10.05.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that knife blows on the person of injured (brother of the complainant) have been attributed to petitioner and that motorcycle used in the commission of the offence was recovered from the petitioner. Thus, he does not deserve the concession of bail.

I have heard the learned counsel for the parties.

The injuries attributed to the petitioner are not on the vital parts. The petitioner has been in custody since 10.05.2022. Co-accused has already been enlarged on bail. There is no other cases registered and/or pending against the petitioner. Charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

08.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>