

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

CRM-M-40712-2022
Date of Decision:-**12.09.2022**

RAJ KUMAR @ DAU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Anshul Khurana, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.50 dated 18.3.2022 registered under Sections 148, 149, 323, 506 IPC (Sections 341, 307, 120-B IPC added later on) at Police Station Rajaund District Kaithal.

The counsel for the petitioner submits that the FIR in this case was registered against unknown persons. That later on the petitioner was nominated as an accused on the basis of the statements of injured persons. That as per the statement of one of the injured namely Sandeep Kumar (Annexure P-5), the present petitioner gave blow of '***Binda***' on his head.

The counsel for the petitioner further submits that said injury was not declared as dangerous to life. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 5 months and is having no criminal history and that police has presented challan and it will take time for the trial to conclude after the framing of charges, so prayer is made for grant of bail to the petitioner.

The instant petition is opposed by the State counsel, who on instructions from ASI Raj Kumar has not disputed the custody period of the petitioner and the fact that after completion of investigation, challan has been presented. The State counsel has also not refuted the fact that the injury attributed to the petitioner was not declared as dangerous to life.

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

The petitioner was not named in the FIR. As per the statement made by injured Sandeep Kumar under Section 161 Cr.P.C. (Annexure P-5), the present petitioner gave '**Binda**' blow on his head. The State counsel has not disputed the fact that the said injury was not declared dangerous to life of Sandeep Kumar. As per the custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 5 months and is having no criminal antecedents. Admittedly, after completion of investigation, challan has been presented, but charges are yet to be framed and even thereafter it will take considerable time for the trial to conclude, so 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.

12.09.2022

Gaurav Sorot

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No