

CRM-M-41039-2022

Date of Decision:28.10.2022

Hari Om

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Dinesh Arora, Advocate
for the petitioner.

Mr. Surinder Dagar, DAG, Haryana.

N.S.Shekhawat J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.07, dated 05.01.2022, under Sections 148, 149, 323, 506 of IPC and Sections 25, 27 of Arms Act, 1959, Sections 324, 325, 326 of IPC added later on, registered at Police Station Badli, District Jhajjar.

Learned counsel appearing for the petitioner submits that the alleged occurrence had taken place at about 6.30 am on 05.01.2022 and the FIR was lodged after a delay of about 11 hours. He further submits that it is a case of version and cross-version and the fight had taken place between two families residing in neighbourhood. Even an FIR was registered against the complainant and his other family members vide FIR No.11 dated 07.01.2022 under Sections 148, 149, 323, 506 IPC in the same Police Station (Annexure P-6). He further submits that in the present case, as many as 16 persons belonging to one family have been falsely implicated and have been assigned various roles. He further submits that both the parties have suffered injuries and the question of aggressor shall be decided during the course of trial. Learned counsel further

submits that the only allegations against the petitioner is of giving farsa blow from the reverse side on the head of injured Naveen, which attracted the offence under Section 325 IPC and has referred to the MLR of Naveen, which is attached as Annexure P-3. He further submits that the injury, on the basis of which, the offence under Section 326 of IPC has been added, is not attributed to the petitioner. He further contends that initially the offence under Section 307 IPC was added, but later on during the course of investigation, the said offence has been ordered to be deleted and the challan has been presented against the co-accused in the Competent Court. Thus, he prays that his further custody would serve no meaningful purpose. The petitioner is in custody since 03.08.2022 and the conclusion of the trial will take long time.

Learned State counsel has vehemently opposed the grant of concession of bail on the ground that there are specific and serious allegations against the present petitioner and he does not deserve the concession of bail.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

28.10.2022
hemlata

(N.S.SHEKHAWAT)
JUDGE

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