

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CRM-M-40679-2022

Date of Decision: 12.09.2022

Harpal

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikram Singh, Advocate for the petitioner

Mr. Surender Singh, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.403 dated 19.05.2022 under Sections 148/149/323/324/326/341/307/506/120-B IPC, Section 25 of the Arms Act (Section 307 & 326 IPC added and Section 25 of the Arms Act deleted later on), registered at Police Station Assandh, District Karnal.

(2) Learned counsel for the petitioner contends that the injury attributed to the petitioner in the FIR is, on the basis of the statement of 161 CrPC made by injured Madan Singh, as per which the petitioner is attributed with *gandasi* blow on the head of the injured whereas as per the MLR of Madan Singh, he received five blunt injuries, which are not attributed to the petitioner.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Surender Singh, AAG Haryana accepts notice on behalf of the respondent.

(5) On the other hand, State counsel avers that though the offences under Section 307 IPC and Section 25 Arms Act have been deleted but

Section 326 IPC has been added during the investigation in view of the statement made under Section 161 CrPC for an injury on the head by blunt weapon.

(6) Since the issue is debatable as to who has caused that injury and the petitioner is behind the bars since 21.05.2022 and offences are triable by Magistrate, no fruitful purpose would be served by keeping the petitioner behind the bars, further since the trial is likely to be take time and the custody period undergone by the petitioner, as is evident from the custody certificate, is 3 months 3 days only, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaqa Magistrate, concerned.

Disposed off.

12.09.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No