

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

CRM-M-49058-2021

Date of decision: 09.02.2022

Gulphan alias Shaunky

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Deepak Kumar Bartia, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.177 dated 10.10.2020, registered at Police Station Radaur, District Yamuna Nagar, under Sections 148, 149, 323, 452 and 506 IPC and Sections 324, 325, 326, 307 and 201 IPC (added subsequently).

Copy of reply dated 25.01.2022, by way of affidavit of the Deputy Superintendent of Police, Radaur, Yamuna Nagar, filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that simple injury on the left side of abdomen of Pardeep, brother of the complainant, has been attributed to the petitioner; that the petitioner has been in custody since 30.06.2021; that the alleged incident took place on

09.10.2020; that a baton was recovered from the petitioner and he was granted bail on 12.10.2020; that after taking the medical opinion of the Doctor, some more sections, including the offence under Section 307 IPC was added to the present FIR and consequent thereupon, the petitioner was again arrested on 30.06.2021. On this premise, learned counsel prays for the grant of regular bail to the petitioner.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, submits that the petitioner has been attributed an injury on the abdomen of Pardeep and thereby he had actively participated in the commission of the crime. It is also submitted that as per his disclosure statement, the petitioner has also inflicted injury upon one Rahul.

I have heard the learned counsel for the parties.

The injury on the left side of abdomen of Pardeep, brother of the complainant, has been attributed to the petitioner. In the present case, the petitioner was earlier released on bail on 12.10.2020. After obtaining the opinion of the Doctor, some more sections were added to the present FIR following which the petitioner was again arrested on 30.06.2021 and since then, he has been in custody. There is no other case registered or pending against the petitioner. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

09.02.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No