

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

CRM-M-49438-2021

Date of decision: 10.03.2022

Manoj @ Pintu and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate,
for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek regular bail in case bearing FIR No.463 dated 30.08.2021, registered at Police Station Hisar City, District Hisar, under Sections 120-B, 323, 325, 341, 506 and 34 IPC, Section 25 of the Arms Act, 1959 and Section 308 IPC (added later on).

Learned counsel for the petitioners contends that petitioners No.1 and 2 have been in custody since 26.09.2021, whereas petitioner No.3 has been in custody since 29.09.2021; that initially, the above-noted FIR was registered under Sections 120-B, 323, 325, 341, 506 and 34 IPC and Section 25 of the Arms Act, 1959; that Section 308 IPC was added later on, to the above-noted FIR after taking the opinion from the private hospital, as per the revised MLR; that as per the MLR dated 28.08.2021 (Annexure P-4) issued by the Civil Hospital, Hisar, there were two injuries on the person of the complainant i.e. one of the right side of the leg and another was swelling on the right wrist joint; that the complainant was shifted to a private hospital i.e. Arora Orthopaedic Hospital, on

29.08.2021 and on the basis of a certificate issued by the said hospital, a revised MLR (Annexure P-6) was issued by adding two more injuries i.e. deformity on the right ankle and swelling on the left forearm; that all the injuries are stated to have been caused with blunt weapon(s); that the injuries are on the non-vital parts of body of the complainant and that the ingredients of Section 308 IPC are not made out against the petitioners. He further contends that there is no other case registered or pending against petitioner No.1, whereas petitioner No.2 stands acquitted in one case registered against him and out of eight other cases registered against petitioner No.3, he is facing trial in two cases whereas stands either acquitted or sentenced to the period already undergone in the remaining five cases.

On the other hand, learned State counsel, submits that as per the CCTV footage, the petitioners had given beatings to the complainant with wooden '*bindas*', which had been recovered by the police during the investigation. He further submits that keeping in view the nature of the offence, the petitioners are not entitled to the benefit of regular bail.

I have heard the learned counsel for the parties.

Petitioners No.1 and 2 have been in custody since 26.09.2021, whereas petitioner No.3 since 29.09.2021. The injuries on the person of the complainant are on the non-vital parts of his body. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioners 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 petitioners are ordered to be released on bail on their
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

10.03.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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