

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46270-2022

Date of Decision: 10.11.2022

Munshi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Anshul Khurana, Advocate and
Mr. Sunil Kumar, Advocate, for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.50 dated 18.3.2022 registered for the offences punishable under Sections 148, 149, 323, 506 IPC (Sections 341, 307, 120-B IPC added later on) at Police Station Rajaund, District Kaithal.

Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and was nominated as accused on the basis of the supplementary statement of the injured persons and was arrested on 20.3.2022. He further submits that as per allegations, the petitioner gave one *danda* blow on the head of Sandeep. He further submits that the police has presented the challan but it will take considerable time for the trial to conclude after its commencement and as such, no purpose is going to be served by prolonging judicial custody of the petitioner.

Present petition is contested by the State counsel who submits that the petitioner was a member of unlawful assembly which caused injuries to Joginder, Sandeep and Ravi and the injuries on the head of Ravi

Ishwar Singh has not refuted the fact that the petitioner has not caused any injury to Ravi and rather he gave *danda* blow on the head of Sandeep and the said injury was not found dangerous to life. He has further submitted that the aforesaid *danda* was got recovered by the petitioner who is in custody since 20.3.2022 and that the trial is yet to commence even though the challan has been presented by the police. He also apprised the Court that the petitioner is having no other criminal case.

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

Admittedly, the injuries which were found to be dangerous to life are not attributed to the petitioner who is in custody since 20.3.2022 and was armed with wooden *danda* at the time of the occurrence and the said weapon is stated to be already recovered. After completion of investigation, the police has presented the challan but trial is yet to commence and it will take considerable time for the trial to conclude and the petitioner is having no criminal antecedent. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, 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/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 10, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No