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

CRM-M-50532-2021

Date of decision:04.05.2022

HARIOM

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein the present bail petitioner seeks the indulgence of regular bail.

2. FIR No.342 of 25.05.2021, constitutes therein offences embodied under Sections 323, 427, 506, 148, 149 of IPC (Sections 326, 307 of IPC added later on), and, is lodged at Police Station Camp Palwal, District Palwal, therein, the incriminating offences are attributed to be committed by the bail petitioner.

3. The present bail petitioner is the sole accused in the above FIR, and, the incriminatory role as is assigned to him, is comprised in the factum of his through user of *danda*, inflicting life endangering injuries, upon the victim. The petitioner is suffering judicial detention since 02.07.2021. The above period of judicial detention as encumbered, upon the present bail petitioner is a prolonged one, and, may be required to be put an end, through

this Court admitting him to regular bail. However, the according of the facility of regular bail to the present bail petitioner, would be subject to his, during the course of investigations, ensuring the recovery to the investigating officer concerned, of the *danda*, which became allegedly used by him, in his inflicting life endangering injuries, upon the person of the victim, and/or, upon the condition of the victim being stable, and/or, his being discharged from hospital.

4. In the above regard the learned counsel, appearing for the victim, on instructions given to him, submits that the victim has been discharged from hospital, and, that his speaking abilities though were temporarily incapacitated, but the afore speaking ability, as, is/are now fully regained, and/or, is under treatment also, and, is hence likely to improve in times to come. Furthermore, he also submits that the condition of the victim-patient both in respect of his physical, and, mental condition rather is completely out of danger.

5. The learned State counsel, on instructions given by SI Bharat Singh submits, that the bail petitioner, during the course of investigations being made into the FIR (supra), had ensured the effectuation of recovery, at his instance, to the investigating officer concerned, of the *danda*, which became allegedly used by him in causing life endangering injuries, upon the victim. Moreso, he submits that the investigations are complete, and, that the charges have been framed, and, the case is now listed for prosecution evidence.

6. In view of above, and, also when prosecution, at this stage, has not placed on record any evidence, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his

fleeing from justice or tampering with prosecution evidence, thereupon, this Court does deem it fit, and, appropriate to prolong the judicial detention of the present bail petitioner, as, thereupon his personal liberty would become unnecessarily fettered, and, curtailed.

7. Therefore, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is, subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

8. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

04.05.2022

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Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No