

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

CRM-M No. 52670 of 2021

Date of Decision: 12.05.2022

Babu Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 190 of 29.06.2021, which was registered against him, at Police Station Dharuhera, District Rewari, constituting therein offences under Sections 323, 324, 325 & 307 of the IPC.
2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 01.08.2021.
3. The incriminatory role, as, becomes assigned to the present bail petitioner, is that, of his through user of an axe, hence inflicting injuries on the head of the victim.
4. If so, and if upto now, the mental and physical condition of the victim – injured had not improved, and, or he had not been discharged from the hospital, after his being declared to be fully fit, thereupon, this Court may have become constrained to not admit the present petitioner to regular bail.

5. However, the learned State Counsel, on instructions, meted to him, by SHO Vijender, Investigating Officer (IO), submits that after the head injuries being entailed upon the person of the victim, through user thereon of an axe, by the present petitioner, the victim has fully recuperated from the head injuries, and, has been discharged from the hospital concerned, after his being declared fully fit in all respects. He also, on instructions, meted to him, by the IO concerned, submits that all the relevant recoveries at the instance of the bail applicant / petitioner, stand effected, to the IO concerned, during the course of his facing police remand.

6. Bearing in mind the afore, and, also bearing in mind the fact that the bail applicant is suffering judicial incarceration since 01.08.2021, besides when no evidence has been adduced by the prosecution, that in the event of the bail applicant being enlarged on regular bail, there is every likelihood of his fleeing from justice, and, or, tampering with prosecution evidence. Consequently, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner, as, thereupon, his personal liberty would become unnecessarily curtailed, and, fettered. Contrarily, it is deemed appropriate to admit the bail petitioner to regular bail.

7. Consequently, the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on 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/or not influencing prosecution witnesses, and, also his appearing before the trial

Court concerned, as and when he is required to be making his personal appearance(s) unless validly exempted.

May 12, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>