

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237-CRM-M-53874-2022

Date of Decision: 20.12.2022

Sunny & Anr.

... Petitioners

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Partap Singh, Advocate,
Mr. Parth Singh, Advocate,
Mr. Vikas Singh, Advocate,
Mr. SS Momi, Advocate,
for the petitioners

Mr. Surender Singh, AAG Haryana

Mr. Prateek Gupta, Advocate for the complainant

Sandeep Moudgil, J. (Oral)

The petitioners seek regular bail in case FIR No.246 dated 07.05.2022 under Sections 148/149/323/506 IPC (Sections 324/325/326/307/365 IPC added later on), registered at Police Station Pundri, District Kaithal.

Learned counsel for the petitioners contends that petitioners were not named in the FIR, at the first instance, but were roped in the present case on subsequent statement made by Jagtar Singh s/o Hazur Singh. The case set up by counsel for the petitioners further is that at best, the petitioners were armed with danda and can be attributed injury with blunt weapon alone. Since the petitioners were not armed with any sharp-edged weapon, the injuries which have been declared to be dangerous to life, cannot be attributed to the petitioners, in any manner, though they were part of the unlawful assembly.

Learned State counsel, on instructions from ASI Parveen, submits that the recovery of danda was effected from the possession of the petitioners, who were arrested on 24.08.2022. He also submits that since they were part of a large number of group, who attacked jointly, on the person of the injured Sukhwinder Singh, they do not deserve any concession of bail, at this stage.

Mr. Prateek Gupta, Advocate for the complainant moved an application on behalf of the complainant placing on record Annexures R1 to R3. Vide order dated 11.03.2022 (Annexure R1) passed in **CRWP No.2238 of 2022 (Muskan & Anr. Vs. State of Haryana & Ors.)**, protection was granted by this Court. Apart from that, photographs (Annexure R3 collectively) have also been placed on record to show the nature of injury suffered on the person of the complainant. He vehemently contends that the pictures clearly makes it evident the manner in which the injured has been beaten up by the petitioners mercilessly, as such, they do not deserve the concession of regular bail.

Be that as it may, considering the fact that the weapon used admittedly by the petitioners is danda and at best, can be said to have given blow with the blunt weapon which, in any manner, cannot be termed to have given the injuries as reflected in Annexure R3, collectively, and apart from the fact that the petitioners are behind the bars since 24.08.2022 and they are not required for custodial interrogation nor any recovery is to be effected from them and also the challan stands filed on 19.10.2022, and in view of the fact that the conclusion of the trial is likely to take long time and, therefore, no fruitful purpose will be served by keeping the petitioners behind bars, the

petitioners are directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

20.12.2022

V.Vishal

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No