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

CRM-M-54613-2022

Date of decision : 01.12.2022

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Navreet Dhaliwal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.786 dated 16.12.2021 registered under Sections 307, 323, 324, 506, 34 of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 07.02.2022 and investigation is complete and challan has been presented and there are 18 prosecution witnesses and since, the charges have not been framed, thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is contended that a perusal of FIR would show that a sudden fight had taken place between the complainant and the accused persons and the petitioner has been alleged to have given one injury with knife on the left side of the chest of the complainant. It is further

contended that it is the case of the petitioner that even the injured had consumed liquor and was in a drunken condition and that the injured is keeping good health now. It is argued that the petitioner in order to show his bona fide, is ready to deposit an amount of Rs.20,000/- with the trial Court within a period of two weeks from today, on account of medical expenses incurred by Shankar-injured-complainant, without admitting his liability and he has no objection, in case the said amount is released in favour of the said Shankar-injured-complainant.

On the other hand, learned State Counsel, has opposed the present petition for grant of regular bail to the petitioner and has submitted that the injury given by the present petitioner has been declared to be dangerous to life and thus, attracts offence under Section 307 of IPC. It is further submitted that knife has been recovered from the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances more so, the facts that in the present case, the petitioner is in custody since 07.02.2022 and investigation is complete and challan has been presented and there are 18 prosecution witnesses and since, the charges have not been framed as yet, thus, the conclusion of trial is likely to take time and the fact that the petitioner is not involved in any other case and also the fact that the present case, prima facie, seems to be a case of a sudden fight and one injury has been attributed to the present petitioner, although the same attracts offence under Section 307 of IPC and the fact that the complainant is now stated to have recovered and is keeping good health,

the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case. The same would however, be subject to the petitioner depositing an amount of Rs.20,000/- with the trial Court within a period of two weeks from today which would be paid to Shankar-injured-complainant by the trial Court.

The payment of the amount of Rs.20,000/- would not be construed as an admission of guilt by the petitioner.

It is made clear that in case, the said amount is not deposited by the petitioner within a period of two weeks from today, the present petition for grant of regular bail to the petitioner would be deemed to have been dismissed.

It is further made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

01.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**