

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1339-2023
DECIDED ON: 28th APRIL, 2023

SUMIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 722, dated 07.11.2022, under Sections 308, 324, 506, 34 IPC, registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

Learned counsel for the petitioner contends that the role attributed to the petitioner is that petitioner along with a group of 3-4 boys attacked upon the head of the complainant with a sharp edged weapon and on that account the present FIR has been registered. It is submitted that the investigation is complete and challan stands presented. Moreover there is an inordinate delay of almost 24 hours in lodging the FIR. It is asserted that in fact no injury can be seen on the body of the complainant at the time of medical examination.

2. Learned State counsel has produced the custody certificate, which is taken on record. He opposes the prayer made in the present application stating that the petitioner was a member of unlawful assembly and it was the petitioner who gave injury on the head of the complainant with an iron strip. However, learned State could not dispute the fact that there is no medical opinion on record as such.

3. Considering the fact that there is no medical opinion on record and admittedly there is a delay of almost 24 hours in lodging the FIR and the injury, which is allegedly attributed to the petitioner, does not seem to be either grievous or dangerous to life in nature particularly the fact that the investigation is complete, challan stands presented wherein conclusion of trial shall take sufficient long time and nothing is to be recovered from the possession of the petitioner, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars.

4. The petitioner is directed to be released on regular bail on furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

5. The present petition stands allowed in the afore-said terms.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

28th APRIL, 2023
yogesh

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>