

(261) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2111-2023 (O&M)
Date of Decision: 19.01.2023

JUGGAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhimanu, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.281 dated 01.09.2022 registered under Sections 147, 149, 307, 323, 325, 506 IPC, 1860 (Sections 379-B, 452 IPC and Section 25 of Arms Act have been deleted) with Police Station Sadar Palwal, District Palwal.

2. The brief facts of the case are that the statement of Madan Mohan son of Shri Radha Raman was recorded to the effect that on 01.09.2022 at about 07.30 PM his uncle's son namely, Vinod son Harichand and he were present at their home. Suddenly, the accused Golu, Dinesh, Jugan and 6-7 other persons came and attacked Vinod with a *Desi* revolver, rod and sticks. Vinod was dragged outside the house while beating him. 6-7 other persons on 4-5 motorcycles also started beating him. Golu hit the butt of the revolver on the head whereas Jugan attacked Vinod with a rod and stick and Vinod fell unconscious on the ground. Then his (complainant's) uncle Harish

Chander called for help and Shanti Prashad and Sahdev son of Hari saved them from the accused. Strict action was sought against the accused.

Pursuant to the registration of the FIR, the statement of the injured Vinod was recorded under Section 161 Cr.P.C. As per the said statement, the petitioner-Jugan is stated to have given an iron rod blow on the left hand fingers of Vinod.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Section 25 of Arms Act has been deleted and no recovery of any *Desi* pistol has been effected from any of the accused. Taking the prosecution case to be true, the petitioner has been attributed grievous injuries on the fingers of Vinod. The petitioner was in custody since 02.09.2022. None of the 16 prosecution witnesses had been examined so far. The petitioner was otherwise a first-time offender. As Vinod had not suffered any permanent disability and was pursuing his daily activities, being hale and hearty, the further incarceration of the petitioner was not required.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused brutally assaulted Vinod. The nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of regular bail. He, however, does not dispute the fact that the petitioner has been in custody since 02.09.2022, none of the 16 prosecution witnesses had been examined so far and the petitioner was a first-time offender.

5. I have heard the learned counsel for parties.

6. Admittedly, the injured has been discharged from the hospital and is pursuing his daily activities. The petitioner has been in custody since 02.09.2022. The report under Section 173(2) Cr.P.C. stands filed and none of the 16 prosecution witnesses have been examined so far. There is no other case pending against the petitioner as well. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Juggan son of Chetram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.01.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No