

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-6490-2023

Date of Decision: 13.3.2023

Rakesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.226 dated 16.6.2022 registered for the offences punishable under Sections 323, 324, 506 IPC (Section 326 IPC added later on) at Police Station Sadar Jhajjar, District Jhajjar.

As per allegations recorded in the FIR, at the time of the occurrence, the petitioner caused grievous injury with sharp edged weapon in the abdomen of the complainant and ultimately, FIR was registered in the present case. During the investigation, the petitioner was arrested.

Counsel for the petitioner submits that the petitioner, who is behind the bars for the last more than 7 months, is falsely implicated in the present case at the instance of the complainant. It is further submitted that as per prosecution version, during the investigation, the petitioner got

recovered the weapon used in the commission of the crime. It is further submitted that after completion of investigation, now challan has been presented but it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

The present petition is opposed by the State counsel who submits that the petitioner caused grievous injury with sharp edged weapon to the complainant. However, the State counsel has not disputed the fact that recovery of the weapon used has been effected and on completion of investigation, the police has presented the challan.

I have considered the submissions made by the counsel for the parties.

Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner is in custody for the last 7 months and is having no criminal antecedents. Recovery of the weapon allegedly used in the commission of the crime is already effected. Further, after completion of investigation, the police has presented the challan but it will take time for the trial to conclude. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 13, 2023
Paritosh Kumar