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2023 : PHHC : 075010

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7686-2023 (O&M)
Date of Decision: 24.05.2023

CHAMAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Duhan, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 402 dated 02.07.2022 under Sections 323, 34, 506 IPC and Section 25 of Arms Act (Section 326 IPC and 27 of Arms Act added subsequently) (Section 25 of Arms Act deleted) registered at Police Station Shivaji Colony, District Rohtak.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the allegations against the petitioner are to the effect that he had inflicted injury on the eye-brow of left eye and on the eye by means of butt of a double-barrel gun on the person of the injured. Krishan was stated to be accompanying the petitioner but he has been found to be innocent during the course of investigation. The petitioner is in custody for a period of 9 months and 22 days and not involved in any other case.

4. On the previous date of hearing, learned State counsel has sought adjournment to verify with regard to the health status of the injured. However, on the instructions of SI Ashwani Kumar, it is submitted that the concerned police officials had visited the residence of the injured but he refused to get himself medico-legally examined and also to disclose anything with regard to the loss of vision, if any.

5. The petitioner is in custody for a period of 9 months and 22 days. The offences are triable by the Court of learned Judicial Magistrate First Class. The investigation of the case is complete and the challan has been presented in the Court. Recovery of weapon is stated to have been effected and the conclusion of trial is likely to take some time. No fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

24.05.2023

Janki

(VIVEK PURI)
JUDGE

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