

CRM-M- 11270-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 11270-2023 (O&M)

Date of Decision:30.05. 2023

Saurav

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Jagjot Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Through this second petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 313 dated 30.07.2022, under Sections 323, 324, 34, 506 and later on added Section 326 of IPC registered at Police Station Gadpuri, Palwal, Haryana.

Learned counsel for the petitioner contends that the present case is a version and cross-version case with cross-FIR No. 327 dated 14.08.2022 under Section 148, 139, 323, 325, and 506 IPC which stands registered against the complainant party by the father of petitioner.

Learned counsel for the petitioner contends that the petitioner is in custody since 17.08.2022 and has been falsely implicated in the present case. As per the allegations levelled, the petitioner was carrying an *axe* and

SEEMA a *lathi*, with which he inflicted blows on the head of the complainant.
2023.05.31 16:56
I attest the accuracy of
this document.

CRM-M- 11270-2023 (O&M)

Whereas learned counsel refers to the statement recorded during the pendency of the trial (Annexure P-8) of the PW-1- complainant wherein it is mentioned that the petitioner was carrying '*danda*' and the other co-accused namely Gaurav was carrying an '*axe*', who after the completion of investigation has been kept in Column No.2 by the police authorities. He also contends that the petitioner has clean antecedents and the challan stands presented on 03.10.2022 and charges have been framed and out of total 12 witnesses, only 04 have been examined till date and conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the challan stands presented and the petitioner has no other antecedents.

Petitioner is in incarceration since 17.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, as per reply dated 20.05.2023, the said axe was got recovered by the petitioner used by him in the alleged crime whereas PW-1-Complainant vide Annexure P-8 submitted that the petitioner was carrying '*danda*' only. Same is debatable. Secondly, the person, Gaurav, who was having an *axe* and inflicted injuries has been declared innocent.

Since the challan stands presented and there is no other case pending

CRM-M- 11270-2023 (O&M)

against the petitioner and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

30.05. 2023
seema

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