

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13184-2023 (O&M)
Date of Decision:-14.11.2023

AJAY KUMAR AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Sumeet Singh Brar, Advocate
for the appellant(s).

Mr. Neeraj Sheoran, DAG, Haryana.

Ms. Tanya Kanwer, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

CRM-45170-2023

1. The counsel for the applicants prays for permission to withdraw the present application being not pressed.
2. In view of the above, present application stands dismissed being not pressed, at this stage.

Main Case

1. The counsel for the petitioners made statement that he be allowed to withdraw the present petition qua petitioner No.2-Arun Kumar @ Hunny, at this stage.

2. Accordingly this petition qua petitioner No.2-Arun Kumar @ Hunny is hereby dismissed as withdrawn, at this stage.
3. Petitioner No.1-Ajay Kumar has filed this petition for grant of regular bail in case having FIR No.122 dated 11.03.2022 registered under Sections 147, 148, 149, 323, 341, 506 IPC (Section 307 IPC added later on) at Police Station City Mandi District Mandi Dabwali District Sirsa.
4. The prosecution case in brief is that complainant Harpal Kaur wife of Sukhdev Singh got recorded her statement to the police to the effect that on 8.3.2022 at about 5 p.m. her son was attacked by both the petitioners and 3 other unidentified persons. That petitioner No.2-Arun Kumar gave knife blow in the left side of chest, while petitioner No.1-Ajay gave *Kapa* blow on left side of head of her son while other 3 boys gave *Danda* blows to her son. That the aforesaid incident was also witnessed by her husband Sukhdev Singh and complainant and her husband rescued their son from the clutches of accused persons. During investigation, petitioner No.1 was arrested on 25.3.2022 and got recovered *Kapa* used by him in commission of crime.
5. The counsel appearing on behalf of petitioner No.1 *inter alia* contends that the said petitioner has been falsely implicated in the present case and even otherwise the injury attributed to petitioner-Ajay Kumar is found to be simple in nature and further petitioner-Ajay Kumar is incarcerated for the last more than 1 year and 7 months and is having no criminal history and the trial is not progressing ahead. The counsel for the petitioner further submits that material witnesses are already

examined. So prayer is made that petitioner Ajay Kumar be released on regular bail.

6. The instant petition is resisted by the State counsel as well as by the counsel for the complainant.
7. The counsel for the complainant *inter alia* submits that trail is going on and that the injury on the left side of the chest of injured Ajay Kumar son of the complainant was found to be dangerous to life and petitioner No.1 is also facing trial under Section 307 IPC for causing said injury with the aid of Section 149 IPC and is equally liable for the said injury.
8. The present petition is also resisted by the State counsel, who argued on the same lines and on instructions from SI Shailender Kumar apprised the Court that no doubt injured as well as eye-witness have been examined, but till date only 4 witnesses are examined on behalf of the prosecution out of total 15 witnesses. The counsel for the complainant as well as State counsel made prayer that bail application filed by petitioner Ajay Kumar be dismissed as he is facing serious charges.
9. I have considered the submissions made by counsel for the parties.
10. As per allegations appearing on the record, petitioner No.1-Ajay Kumar gave *Kapa* blow on the head of injured but as per the copy of medical report dated 23.3.2022, the CT scan of head of injured was found to be normal, meaning thereby that the injury attributed to petitioner-Ajay Kumar was apparently not found to be dangerous to

life. Admittedly injured and eye-witness are already examined and thus there is no apprehension that in case, petitioner Ajay Kumar is released on bail, he is going to influence them. Further the petitioner is in custody for the last more than 1 year and 7 months and is having no criminal history and it will take considerable time for the trial to conclude. Petitioner Ajay Kumar has been charged under Section 307 IPC only with the aid of Section 149 IPC and it is matter of evidence as to whether petitioner Ajay Kumar could be held liable for the injury covered under Section 307 IPC, which is mainly attributed to co-accused Arun Kumar @ Hunny.

11. In view of the above, as it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period. Consequently, without commenting on the merits of the case, the petition is allowed and petitioner-Ajay Kumar is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

14.11.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No