

234

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14804-2023
DECIDED ON: 28th MARCH, 2023

VISHAL AND ANOTHER

PETITIONERS

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Baljeet Beniwal, Advocate
for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioners in case FIR No. 482, dated 29.11.2022, under Sections 148, 149, 307, 323, 452, 506 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') (Sections 148, 149 and 120-B deleted later on and Section 34 IPC was added) and Section 25 of Arms Act, 1959, registered at Police Station Gadpuri, District Palwal.

Learned counsel for the petitioner contends that the petitioners have been falsely implicated in the present case without any attribution to attract the provision of Section 307 IPC and at the most Section 323 IPC is made out only qua the petitioner in case the MLR and the version of the FIR is taken to be a gospel truth.

Learned State counsel has submitted that he has not received the custody certificate but could not controvert the fact that the petitioners are behind the bars since 03.12.2022 and injury given by fire arm is on the hand.

Considering the nature of injuries either grievous in nature, along-with period of incarceration suffered by the petitioners so far and the fact that the conclusion of trial shall taken sufficient long time wherein, challan stands presented; charges have not been framed yet; nothing is to be recovered from the petitioner, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, the petitioners are ordered to be released on bail subject to their furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands allowed in view of the afore-said terms.

However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

28th MARCH, 2023
sham

- | | |
|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |