

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17752-2023 (O&M)
Date of Decision :31.5.2023

GAURAV @ BHOLA

.....Petitioner(s)

Vs.

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. R.K. Choudhary, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

CRM-23803-2023

In view of the reasons mentioned in the application, the same is
allowed and the main case is ordered to be taken on board today itself.

CRM-M-17752-2023 (O&M)

1. Prayer is for grant of regular bail in case having FIR No.363 dated 12.10.2021 registered under Sections 323, 325, 341, 506, 34 IPC and Sections 3(1)(R), 3(1)(S), 3(2)(V-A), 33-89 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 at Police Station Chandhut, District Palwal.
2. The FIR in this case was registered on the basis of complaint lodged by Daya Chand, who belongs to Schedule Caste category. In the said complaint, the complainant has alleged that on 14.8.2021 at about

8/8.30 pm, he was going to his village Lulwari from his shop and on the way, he was attacked by the accused persons including the present petitioner, who were armed with different weapons and co-accused Hitesh inflicted knife blow while co-accused Mohit gave him iron rod blows while present petitioner gave stick blows to him.

3. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is in custody since 1.12.2022. The counsel further submits that the even otherwise the only allegations against the petitioner are that he caused injuries on non-vital part of Daya Chand with the help of wooden *danda*. The counsel for the petitioner submits that even the concerned doctor while appearing in the witness box has deposed that blunt weapon was used in causing of injuries and that the possibility of such type of injuries being caused as a result of fall from motorcycle could not be ruled out. The counsel further submits that it will take considerable time for the trial to conclude, so prayer is made that he be granted concession of bail.
4. The instant petition is resisted by the State counsel, who on instructions from SI Akath Hussain submits that certain grievous injuries were found on the person of Daya Chand and same are attributed to the petitioner and his companions. However, the State counsel has not disputed the fact that as per allegations in the FIR, the petitioner was armed with wooden *danda* at the time of occurrence and that during investigation the said wooden *danda* stands recovered at the instance of the petitioner. The State counsel has also not

disputed the fact that the petitioner is in custody since 1.12.2022 and that the trial is at its initial stage.

- 5. I have considered the submissions made by counsel for the parties.
- 6. It is admitted case of prosecution that the petitioner used blunt weapon i.e. wooden *danda* at the time of occurrence with which he caused injuries to Daya Chand and in the given circumstances even if the said injuries are found to be grievous in nature, the same will be covered under Section 325 IPC, which is bailable offence. The petitioner is in custody since 1.12.2022 and admittedly 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.
- 7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner 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.

31.5.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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