

217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19807-2023
DECIDED ON: 27th APRIL, 2023

JASBIR SINGH

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Partap Singh, Advocate with Ms. Manpreet, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. 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 petitioner in case FIR No. 246, dated 07.05.2022, under Sections 148, 149, 323, 506 IPC (Sections 324, 325, 326, 307 and 365 IPC added later on), registered at Police Station Pundri, District Kaithal, Haryana.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case with an ulterior motive as the FIR has been got registered after a delay of 5 hours meaning thereby, that the complainant took sufficient time for consultation and twisting the facts. He has further contended that the allegation qua the petitioner is that he gave a kirpan blows on the right leg and right hand of the injured and the said injuries allegedly sustained by the injured were only grievous in nature as per MLR No. MD-GH/13/22, dated 07.05.2022.

It is asserted that just to enhance the gravity of offence, Section 307 IPC has been added. The petitioner is in custody since 25.06.2022.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record. As per the custody certificate the petitioner has undergone incarceration for a period of 9 months and 28 days as of now and is not involved in the any other case of any nature whatsoever. He opposes the prayer made in the present petition stating that the petitioner has been specifically named in the FIR and he was a member of unlawful assembly. It is asserted that the injured sustained as many as 17 injuries, which might be dangerous to life.

4. Considering the afore-said facts and circumstances particularly the nature of injuries attributed to the petitioner added with the fact that challan stands presented wherein, conclusion of trial shall take sufficient long time, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

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

7. 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

27th APRIL, 2023
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |