

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20903-2023
Date of Decision : 03.05.2023

Mahender Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Rahul Singla, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.23 dated 30.01.2023, registered under Sections 148, 149, 323, 506 IPC (Sections 324, 326 IPC added lateron), at Police Station Jathlana, District Yamuna Nagar.

2. On a complaint submitted by one Manoj Kumar, the present FIR was registered. It was alleged that on 25.01.2023, during a meeting of the community being held in the hall of Guru Ravidas Mandir, an altercation took place between two sides in which complainant Manoj Kumar was assaulted by the present petitioner Mahender and other persons. As per the version

given in the FIR, the offenders attacked him with iron rods/sticks on account of which he received a grievous injury on his right hand and also suffered injuries on his ear and teeth. Subsequently, a supplementary statement of the complainant was recorded wherein he stated that the petitioner had given the injury to him with an axe.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioner submits that there was a delay of 05 days in registration of the FIR as the alleged incident took place on 25.01.2023 and the FIR was registered on 30.01.2023. It has been submitted that the supplementary statement was given thereafter in which the complainant improved his version and stated that the injury on his hand had been given with an axe. Learned counsel submits that the petitioner is in custody since 21.03.2023; no recovery has to be made from him; he is not known to be a previous offender; trial will take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

5. On the other hand, learned counsel representing the respondent-State of Haryana has opposed the bail petition. It has been submitted that the case is still at the stage of investigation and other accused are yet to be arrested. Learned counsel submits that the petitioner is alleged to have inflicted a grievous injury to the complainant. An axe is stated to have been recovered from the petitioner. It has been contended that if the petitioner is released on bail, he may try to influence and threaten the witnesses and may also abscond. Dismissal of the present bail petition has been prayed for.

6. Admittedly, the alleged incident took place on 25.01.2023 and the FIR was lodged on 30.01.2023. In the FIR, it had been alleged that the present petitioner inflicted injuries upon the complainant with iron rods and sticks but subsequently, in his supplementary statement dated 05.02.2023, it was stated that the grievous injury had been inflicted with an axe. The petitioner is in custody since 21.03.2023. Almost one and a half month has gone by. The non-arrest of other accused is not a ground to reject the bail petition of the petitioner who is not known to be a previous offender. Whether the petitioner is guilty or not shall be determined at the stage of trial. The fact of delay in registration of the FIR etc. shall also be gone into at the stage of trial. No further recovery is to be made from the petitioner and, therefore, in the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail to the satisfaction of trial Court/Chief Judicial Magistrate, Yamuna Nagar at Jagadhri/Duty Magistrate.

(VIKRAM AGGARWAL)
JUDGE

03.05.2023

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No