

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

221

CRM-M-27552-2023

Date of Decision: July 17, 2023

Ankush

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Parveen Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Pankaj Bali, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 09 dated 07.01.2023 under Sections 323, 341 and 506 IPC (Section 307 of IPC added later on) registered at Police Station Rai District Sonapat (Annexure P-1).

2. The FIR in the present case was got registered on the basis of statement made by one Mahender son of Raghvir. As per the complainant, he alongwith his brother Satish and mother Khazni were going from their house and on the way, the petitioner met them and stopped them from using any passage. There was an altercation between them and the petitioner caused injuries with the brick on the head, hand and waist of the complainant. When his brother Satish

and mother tried to save him, he had also beaten them up. They were taken to Government Hospital Sonapat and were provided the first aid. Keeping in view the seriousness of the injuries suffered by the complainant, he was referred to the P.G.I.M.S. Rohtak. With these broad allegations, the FIR was registered in the present case.

3. The learned counsel for the petitioner contends that the case was initially registered under Sections 323, 341 and 506 IPC and after two months of the registration of the FIR, the offence under Section 307 IPC has been added in the present case. The petitioner is in custody since 09th March 2023 and, thus, he has already served the incarceration for more than 4 months. He further contends that the matter has been amicably resolved between the parties and in view of the settlement, there are bleak chances of conviction of the present petitioner in the present case.

4. On the other hand, learned State counsel has vehemently opposed the concession of bail to the petitioner on the ground that he is the main accused and has been attributed specific injury in the present case. However, she admits that no other criminal case was registered against the present petitioner. Learned counsel for the complainant does not oppose the grant of bail to the present petitioner.

5. I have heard learned counsel for the parties and perused the case file very carefully.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered

to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 17, 2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No