

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27604-2023
Date of Decision:-02.06.2023

AVINASH @ GOVINDA
... Petitioner
Versus
STATE OF HARYANA
... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.747 dated 3.10.2022 registered under Sections 323, 324, 325, 307, 506, 34 IPC and Section 25 of Arms Act at Police Station Rohtak City, District Rohtak.
2. The allegations in nut-shell are that at the time of occurrence co-accused Vikram gave knife blows to Kamal while Kamal was caught by the present petitioner and there are also allegations that companions of Vikram including the present petitioner gave kick blows to Kamal and at that time petitioner was having iron punch in his hand. The

petitioner was arrested on 10.12.2022 and aforesaid iron punch was recovered at his instance.

3. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and actually petitioner also sustained injuries at the time of alleged occurrence. It is further contended that even otherwise no specific injury has been attributed to the petitioner, who is stated to be armed with iron punch. The counsel further submits that trial is at initial stage and it will take considerable time for trial to conclude. So prayer is made that the petitioner be released on regular bail.
4. The instant petition is resisted by the State counsel, who on instructions ASI Achal submits that at the time of occurrence the petitioner, who was armed with iron punch firstly caught hold complainant while his companion Vikram gave knife blows to the complainant and thereafter petitioner also attacked the complainant with iron punch. However, the State counsel has not disputed the fact that the main injuries are not attributed to the petitioner and are rather attributed to co-accused Vikram, who is also in custody. The State counsel apprised the Court that till date no prosecution witness has been examined.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly no specific injury has been attributed to the present petitioner, who at the time of occurrence was stated to be armed with iron punch and the recovery of the same is already effected. The

petitioner is in custody since 10.12.2022 and is presently lodged in judicial custody and it will take considerable time for the trial to terminate as till date no prosecution witness has been examined by the prosecution, 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.

02.06.2023
Gaurav Sorot/Manoj

(KARAMJIT SINGH)
JUDGE

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