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2023:PHHC:080244

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

CRM-M-27109-2023

DECIDED ON: 1st JUNE, 2023**HARSH****.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

Mr. Anurag Arora, Advocate, for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 32, dated 14.01.2023, under Sections 147, 149, 307, 323, 341, 379-B and 506 IPC and Section 25 of Arms Act, 1959, registered at Police Station Camp Palwal, District Palwal.

2. Learned counsel for the petitioner has contended that it is a case no injury and allegation against the petitioner is only that he did 'reiki' of the injured.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 4 months and 11 days.

4. Learned counsel for the complainant has vehemently contended that the injured is a practising advocate at Palwal, who has suffered six injuries including multiple fractures for which he underwent surgery and remained in hospital w.e.f.

13.01.2023 to 16.01.2023, as is evident from the Medico Legal Report of the

injured dated 13.01.20223 and discharge summary dated 16.01.2023. He further asserts while putting much reliance upon the CCTV footage, which is in the possession of Investigating Agency that it was the petitioner who gave information with regard to the moment of the injured to the co-accused.

5. Considering the totality of facts and after having gone through the contentions raised by the respective counsel for the parties, there is no dispute to the fact that it is a case of no injury and the allegation against the petitioner is only that he gave information of the injured to the other assailants with regard to his moment, wherein, conclusion of trial certainly take long time as challan stands presented on 17.05.2023, no useful purpose would be served by keeping the petitioner behind the bars wherein investigation is complete and nothing remains to be recovered from the possession of the petitioner. This Court cannot loose sight of the principal that 'Bail is rule and jail is an exception" and detaining the petitioner in custody for an indefinite period would amount to infringement of his right to life and liberty, as enshrined under Article 226 of the Constitution of India, which also includes right for speedy justice.

6. In view of the discussions made hereinabove, the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

7. The present petition is allowed in view of afore-said terms.

8. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

1st JUNE, 2023
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(SANDEEP MOUDGIL)
JUDGE

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