

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-30489-2023O&M)
Date of decision: 16.08.2023

MOHIT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Dr. (Mr.) Pankaj Nanhera, Advocate and
Mr. Rahul Gautam, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.609 dated 11.10.2022, registered at Police Station Civil Lines, District Hisar, under Sections 302, 307, 323, 325, 147, 149 and 506 IPC.
2. Status report by way of affidavit dated 13.07.2023 of the Additional Superintendent of Police, Hisar, District, already filed in the Registry, is taken on record.
3. As per the case of prosecution, co-accused Divyansh assaulted Amit with a bat on his head, following which he fell on the ground whereas co-accused-Yogesh Godara gave a stick blow on the head of Amit and co-accused Shubham Bishnoi had caused injuries on the eye of Amit. It is further mentioned in the FIR that when the complainant tried to rescue Amit, co-

accused Divyansh, Yogesh, Shubham, Deepak and 7-8 other boys, who were having sticks in their hands, also attacked upon him (complainant) and caused injuries to him. Later on, Amit succumbed to the injuries received in the occurrence.

4. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that neither the petitioner has been named in the FIR nor any specific role has been attributed to him. It is further submitted that as per the MLR of Amit conducted immediately after the incident, there were as many as two injuries on his person i.e. injury No.1 qua blackening of right eye and advised eye-opinion and injury No.2 qua a bruise of size 3 cm x 4 cm over frontal region of right side of head, and that both the injuries had been caused with blunt weapon. It is further submitted that the petitioner is a student and pursuing Graduation; that the petitioner has been in custody since 22.12.2022; that the petitioner has nothing to do with the alleged occurrence and no injury on the person of the deceased has been attributed to the petitioner; that the prosecution witnesses are yet to be examined and that there is no other registered or pending case against the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that though no specific injury has been attributed to the petitioner, yet he in his own disclosure statement has stated that he has inflicted injuries with stick on the persons of complainant-Udey Sharma, Parveen and Bhavuk. The stick has already been recovered from the petitioner. However, he does not dispute the custody period of the petitioner

and that there is no other registered or pending case against the petitioner. He submits that material prosecution witnesses are yet to be examined.

6. I have heard the learned counsel for the parties.
7. The petitioner has been in custody since 22.12.2022. The stick has been recovered from the petitioner. No specific injury or role has been attributed to the petitioner and no injury on the person of the deceased has been attributed to the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Moreover, there is no other registered or pending case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.
8. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.08.2023
Mangal Singh

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