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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31483-2023 (O&M)
Date of decision : 20.07.2023

Rohit ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manish Soni, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.68 dated 25.02.2023 under Sections 323, 325, 307, 354-B, 506/34 of the Indian Penal Code, 1860 registered at Police Station Sector - 9A, District Gurugram.
2. Learned counsel for the petitioner states that the petitioner is a final year student of law studying at Dr. Bhimrao Ambedkar Law University, Jaipur and his examinations are scheduled to be held in the month of August 2023. Learned counsel would further contend that this is a case of cross version and in fact the co-accused, namely, Rahul had suffered multiple contusions temporal with fracture of right side temporal bone and

also suffered right side facial palsy grade-5 with active symptoms and sensory neural hearing loss and unable to close right eye. Keeping in view the medical condition of the co-accused, this Court has already granted interim bail on medical grounds vide order dated 10.07.2023 passed in CRM-M-31465-2023. Learned counsel has further contended that the injury under Section 307 IPC is not attributed to the petitioner and the only accusation to the petitioner is a blow on the ankle of the mother of the complainant and under Section 354-B IPC.

3. *Per contra*, learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 04 months and 11 days. Learned State counsel on instructions from ASI Sanjeev Kumar has further contended that there are serious allegations against the petitioner and that there is one more case pending against the petitioner, however, he is on bail in the said case. Learned State counsel is, however, not in a position to deny the fact that the petitioner is a student of law studying in final year and his examinations are to commence from 10.08.2023.

4. Heard.

5. In view of the above and considering the fact that there is no accusation under Section 307 IPC and the only accusation against the petitioner is a blow on the ankle of mother of the complainant and jointly the allegations are under Section 354-B IPC and the injury under Section 307 IPC is not attributed to the petitioner as also the fact that the petitioner is a

young boy (27 years' old) who is in final year of law and his examinations are to commence from 10.08.2023 and the fact that the trial is likely to take some time to conclude, without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

6. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

7. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

8. Disposed off. Pending applications, if any, also stand disposed off.

20.07.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO