

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-31870-2023 (O&M)

Date of Decision: 10.08.2023

MOHIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajnish K. Gupta, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.41 dated 09.03.2023, registered under Sections 148, 149, 323, 325, 506, 120-B and 307 IPC, at Police Station Titram, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner was released on bail by the learned Illaqa Magistrate on 17.03.2023 and that, thereafter, Section 307 IPC was added on 10.05.2023 and the petitioner was re-arrested on the same day itself i.e. 10.05.2023 and since then he has been in custody. He further submits that a blow from the reverse side of a gandasi, on the right leg of the injured, has been attributed to the petitioner and that though the challan has been presented, yet the fact remains that the charges are yet to be framed.

Learned counsel for the petitioner further submits that as far as other cases are concerned, the petitioner stands acquitted in two and two are under trial, though the petitioner is on bail in the said two cases.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with co-accused have inflicted injuries on the person of the injured, which were declared dangerous by the Doctor. He further submits that the injured remain in hospital from 10.03.2023 to 02.04.2023 and that the material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner was initially granted bail by the learned Court below. Section 307 IPC was added later on. The petitioner has been in custody since 10.05.2023. The injury attributed to the petitioner is a gandasi blow on the right leg of the injured, which is not a vital part. As far as other cases are concerned, the petitioner stands acquitted in two and two are under trial, in which the petitioner is on bail. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No