

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-34740-2023 (O & M)****Date of decision: 25.07.2023**

Manish Kumar

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Mr. Brijender Kaushik, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.418 dated 06.09.2022 under Sections 148, 149, 323, 324 and 307 IPC registered at Police Station Naraingarh, District Ambala, Haryana.

2. The brief facts of the case are that the statement of Ajay Rana was recorded to the effect that he was a farmer. He alongwith Anil @ Lilu and Lakhbir Singh @ Bulli had gone to the marriage of their friend-Sandeep Kumar on 04.09.2022. His cousin-Gaurav was also present at the said marriage. At about 11.30 p.m., Gaurav had an argument while dancing with Manish regarding the playing of a song. He (complainant) pacified them and sent Gaurav home. Later, he Lakhwinder @ Bulli, Anil @ Lilu, Gurcharan and Rakesh went for taking meals to a *dhaba*. While taking food, Munish @ Manish (petitioner), Aman, Raju Harijan, Rikku, Brijpal @ Birja and Parmal reached there. Manish @ Munish (petitioner) gave him (complainant) a sword blow on his head and Aman and Raju struck him with

etc. caused injuries to him. He was, thereafter, taken to Government hospital, Naraingarh for treatment. Legal action was sought.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. In fact, there was no injury attracting Section 307 IPC on the person of the injured. Two co-accused, namely, Jarnail Singh and Raj Kumar had been granted the concession of anticipatory bail vide orders dated 27.02.2023 (Annexure P-2) and 10.04.2023 (Annexure P-3) respectively. Co-accused, namely, Parmal had been granted the concession of regular bail vide order dated 28.10.2022 (Annexure P-4). The injured stood discharged and has since got married. As the petitioner was in custody since 04.03.2023, none of the 25 prosecution witnesses had been examined so far and he was a first-time offender, his further incarceration was not required.

4. The learned counsel for the State, on the hand, contends that the petitioner was the main accused. The injury attracting Section 307 IPC had been attributed to him. Therefore, he did not deserve the concession of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 04.03.2023 and none of the 25 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of Trial. Admittedly, some of the co-accused of the petitioner have been granted the concession of regular bail while others have been granted the concession of anticipatory bail. The petitioner is in custody since 04.03.2023 and none of the 25 prosecution witnesses have been examined so far. Therefore, the Trial of the

CRM-M-34740-2023

::3::

is a first-time offender. In this situation, his further incarceration is not required.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Manish Kumar is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the present one.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

July 25, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No