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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.39486 of 2023

Date of decision:- 19.12.2023

SANDEEP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Rajesh Goyal, Advocate for
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned counsel for the State filed reply dated 15.12.2023 by way of affidavit of Assistant Superintendent of Police, Samalkha, Panipat, the same is taken on record, copy supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
27	09.03.2023	323, 324, 506, 34 IPC (307 IPC added lateron)	Bapoli, Panipat

3. Heard.

4. Briefly stating, the present case was registered on the allegations that on 08.03.2023 at about 10:30 pm the co-accused Amit and Raj Kumar neighbours of the complainant who started pelting stones on the gate of the complainant and when he objected, co-accused Raj Kumar gave gandasi blow to him and co-accused Amit gave stick blow on the right arm of the brother of the complainant and gave a stick blow on the head of the mother of complainant when she came for rescue. It is alleged that the petitioner Sandeep also came to the spot and gave fist and kick blows to the complainant and his brother Ajay and thereafter petitioner along with both the co-accused ran away from the spot.

5. It is *inter alia* contended by learned counsel for the petitioner that petitioner is in custody since 24.04.2023 and the challan has already been presented after investigation and the trial is going on. He submits that the petitioner is innocent and has been falsely implicated in this case and no specific injury is attributed to him. Although as per the version given by the complainant, allegations are that he had given fist and kick blows to the complainant and his brother Ajay, as such he prayed for grant of bail.

6. *Per contra* learned State counsel referring to the reply dated 15.12.2023 filed by the State, submits that the allegations against the petitioner are that he had given fist and kick blows to the complainant and his brother Ajay, as such, he is not entitled for concession of bail considering the serious nature of the offence made in connivance with other accused and prayed for dismissal of the bail petition.

7. Considering the respective submissions and perusing the record, admittedly, the allegations against the petitioner having given fist and kick

blows to the complainant and his brother Ajay, none of the them have sustained injuries which attracted Section 307 IPC. The petitioner is in custody since 24.04.2023, challan has already been presented in Court where it is pending trial for 06.02.2024. It is also pointed out that out of 13 witnesses cited by the prosecution even none has been examined till date. Therefore, considering the nature of injuries attributed to the petitioner, coupled with the fact that criminal liability could only be ascertained after conclusion of trial which may take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

8. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

19.12.2023

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No