

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-42732 of 2022
Date of Decision:- 10.01.2023**

Saurabh

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. R.K. Agnihotri, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG Haryana.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.208 dated 15.04.2021 registered under Sections 148, 149, 323, 324, 307 IPC and Section 506 IPC added later on, Police Station Gharaunda, District Karnal.

The counsel for the petitioner has inter-alia contended that the petitioner has been falsely implicated in the present case and is behind the bars for last more than 1 year and 8 months and the material witnesses namely injured Kapil and Gaurav stand examined and the only allegations against the petitioner are that at the time of

occurrence he caught hold of Kapil while one Ankush gave knife blows to said Kapil. The counsel for the petitioner further submits that no injury attracting provisions of Section 307 IPC is attributed to the petitioner and it will take considerable time for the trial to conclude. So prayer is made that the present petitioner be granted regular bail.

The present petition is resisted by the State counsel who on instructions from ASI Naveen submits that as per the facts narrated in the FIR, petitioner and co-accused Amandeep caught hold of Kapil while co-accused Ankush gave knife blows to said Kapil and the injuries attributed to Ankush on the person of Kapil are covered under Section 307 IPC. The State counsel further submits that after the occurrence co-accused Ankush handed over the aforesaid knife to co-accused Amandeep, who got recovered the same. The State counsel has not disputed the fact that the petitioner is in custody for the last more than 1 year and 8 months and is having no criminal history and that during trial material witnesses namely Kapil and Gaurav are examined and no incriminating article was recovered from the possession of present petitioner during the investigation of this case.

I have considered the submissions made by the counsel for the parties.

As per the allegations appearing on record at the time of occurrence petitioner and co-accused Amandeep caught hands of

Kapil while co-accused Ankush gave knife blows to Kapil which resulted in injury covered under Section 307 IPC. No specific injury has been attributed to the petitioner who as per custody certificate is behind the bars for last 1 year and 8 months and is having no criminal history. During trial material witnesses namely Kapil and Gaurav are examined. So there is no apprehension that if released on bail the petitioner is going to influence them. Further it will take time for the trial to conclude. So purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

10.01.2023

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No