

CRM-M-42267-2023

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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Date of Decision: 03.11.2023

KASHMIR SINGH @ NUNIYA

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Manvinder Singh Dalal, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Baljeet Nain, Advocate,
for the complainant.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.405 dated 26.09.2022 registered under Section 148, 149, 323, 506 and Sections 325, 307 and 201 IPC (added later on), at Police Station Cheeka, District Kaithal.

2. It is submitted by counsel for the petitioner that the case against the petitioner is concocted. As per the story of the complainant, the petitioner is alleged to be armed with a *danda* only. Not only that, co-accused of the petitioner have been released on bail pending trial. The petitioner has been in custody since 27.12.2022, the investigation of the

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case is complete and the petitioner is not required for any further investigation purposes.

3. Custody certificate of the petitioner has been filed by the counsel in the Court today. The same is taken on record.

4. Counsel for the State, assisted by counsel for the complainant, has submitted that the petitioner is attributed a grievous injury having been caused by him with a *gandasi*. Therefore, the petitioner is the main accused in the case and the petitioner does not deserve any concession of bail. However, it is not disputed that the complainant has alleged the petitioner to be armed with a wooden log only, and not with a *gandasi*. It is also not disputed that the complainant has not made a supplementary statement, to allege that the petitioner was armed with a *gandasi*. It is also not disputed that co-accused of the petitioner have already been released on bail.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

03.11.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No