

2023:PHHC:132865

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-42947 of 2023
Date of Decision: 12.10.2023

Bhagat Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Devender Kumar, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.509 dated 26.10.2022 registered under Sections 148, 149, 323, 324, 452 and 506 IPC (Sections 325, 307 and 201 of IPC added later on) at Police Station Hodal, District Palwal.

2. The FIR in the present case was got registered by Stayawan son of Moolchand by alleging that at about 03.10 p.m. on 26.10.2022, he was present at his house and was preparing for Goverdhan Pooja. In the meantime, Rajender, Krishan, Bhagat, Laxmi, Kanta, Rajender, Jogender, Bhola, Savita, Mahender, Kapil, Akash, Vikas and 10/15 other persons, who were having knife, iron, axe, spade, stick and other weapons in their hands forcibly entered the

house and started causing injuries to the complainant and other family members. Laxmi and Kanta caught hold of Amit and Krishan and Bhagat gave several blows with sharp edged knife on abdomen and waist. Akash and Vikas caused injuries with knife in the abdomen of his nephew Govind. Bhola gave a blow a blow with spade on the head of his uncle Jasbir and Jogender exhorted to kill them. After causing injuries, all the assailants fled from the spot with their respective weapons.

3. Learned counsel for the petitioner contends that as per the version of the prosecution, Laxmi and Kanta caught hold of Amit, injured and Krishan and Bhagat, petitioner had caused injuries with sharpened edged knife on the abdomen and waist of Amit injured, whereas, as per MLR (Annexure P-2) of Amit, injured, he had suffered only one injury on his abdomen. Thus, the version put forth by the complainant was apparently false. Learned counsel further contends that during the course of investigation Laxmi and Kanta, who had allegedly caught hold of Amit, injured, were found to be innocent. He further contends that the occurrence had taken place on 26.10.2023 and the statement of Amit injured was recorded on 03.11.2022. He next contends that he was arrested in the present case on 03.06.2023 and the charges have been ordered to be framed. The challan has already been presented against him before the competent Court. Thus, the custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious and specific allegations against the petitioner and he does not deserve the concession of regular bail. She further contends that the injury, which was suffered by Amit has been declared dangerous to life.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 03.06.2023 and is in custody for the last more than 4 months. The investigation has already been concluded and the prosecution has not examined even a single witness till today. Thus, the trial proceedings may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned

12.10.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No