

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 43845 of 2023
Reserved on :- 03.11.2023
Pronounced on: 06.11.2023

RAMESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Yashwant Singh Rathore, Advocate for the petitioner.
Mr. Vishal Malik, Deputy Advocate General, Haryana.
.....

SANJIV BERRY, J.

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
238	01.07.2023	323, 324, 506, (307, 148, 149 IPC and 25 of Arms Act added later on and 34 IPC deleted).	Civil Lines, Kaithal

2. In *nutshell*, the case put forth by the prosecution is that on 30.06.2023 at about 7:30 pm while complainant and his father were walking in the street, one white colour car bearing No. HR26-4078, Maruti Swift Dzire, in which 4 young boys came and attacked with lathis and Gandasi on complainant and his father. Resultantly, simple as well as grievous injuries with sharp edged weapons were sustained by the complainant and his father

Charan Singh, on shouting, armed assailants ran away. Injured were taken to the hospital and doctors referred Charan Singh to PGI, Chandigarh considering his condition serious and after discharge from the hospital, complainant suffered the statement and FIR was registered against unknown persons.

3. It is *inter alia* contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further submits that FIR was registered against the unknown persons and later on, on disclosure statement of Rajender @ Raju petitioner was arrested. On the basis of the MLR Section 307 IPC was deleted and Section 326 was added. After completion of investigation Challan was presented in the Court on 14.09.2023 and no recovery was effected from the petitioner. There are 8 prosecution witnesses and none of them has been examined till date. He submits that throughout the petitioner has been in custody and conclusion of trial will take a sufficiently long time and as such prayed for grant of concession of bail.

4. Per contra learned State counsel on the other hand opposed the bail application by submitting that the petitioner was arrested on the disclosure statement made by co-accused Rajender @ Raju. He however, admits that Section 307 IPC was deleted on receipt of MLR report. No recovery was effected from the petitioner. He further submits that the petitioner was active member of the unlawful assembly and all the accused went in car to the spot of the occurrence and petitioner remained seated in the car and remaining accused disembarked from the car and attacked upon the complainant and his father and as such he prays for dismissal of the

petition.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested on 07.07.2023 on the disclosures statement made by the co-accused. As per the MLR, Section 307 IPC and Section 25 of the Arms Act were deleted and subsequently, Section 326 was added. It is also admitted in the reply submitted on behalf of the State that petitioner remained seated in the car and remaining accused disembarked from the car and attacked upon the complainant and his father and no injury has been attributed to the petitioner. After conclusion of investigation, challan has been presented and no witnesses have been examined till date, and the trial would take a sufficiently long time, no purpose would be served by detaining the petitioner in custody any longer.

6. Resultantly, without commenting on the merits of the case, 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.

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

(SANJIV BERRY)
JUDGE

06.11.2023

Gyan

- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No