

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

CRM-M-47502-2022
Date of Decision:-**20.01.2023**

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... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.196 dated 27.5.2022 registered under Sections 148, 149, 323, 325, 379-B, 506 IPC at Police Station Sadar District Jhajjar.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. That the police has already dropped the offence punishable under Section 25 of the Arms Act. The counsel for the petitioner further submits that as per the allegations appearing in the FIR the petitioner and his companions caused simple injuries by giving fist blows to complainant-Manoj Kumar. That as per the

medical record one of the said injury was found to be grievous in nature thus attracting provisions of Section 325 IPC, which is a bailable offence. The counsel for the petitioner further submits that as per allegations recorded in the FIR at the time of occurrence amount of ₹18,000/- was also snatched from the complainant. The counsel for the petitioner further submits that the said allegation is totally false and further the co-accused Sandeep Kumar was granted regular bail by this Court vide order dated 7.9.2022 (Annexure P-3) subject to deposit of the amount of ₹18,000/- with the trial Court. The counsel for the petitioner further submits that the petitioner is in custody since 31.5.2022 and after completion of investigation, the police has presented the challan. The counsel for the petitioner further submits that it will take time for the trial to conclude after its commencement and as such no purpose is going to be served by keeping the petitioner behind the bars for any longer period. That further similarly situated co-accused Sandeep Kumar has been granted benefit of regular bail vide order Annexure P-3. So prayer is made to grant regular bail to the petitioner.

The present petition is contested by the State counsel, who submits that after completion of investigation challan has been presented against the accused persons including the petitioner who is named in the FIR. The State counsel further submits that the petitioner and his companions attacked Manoj Kumar and caused injuries to him. However, the custody period of petitioner is not denied by the State counsel and also the fact that similarly situated co-accused Sandeep Kumar stands enlarged on bail vide order Annexure P-3.

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

As per the allegations appearing on the record, the petitioner and his accomplices caused 4 injuries to Manoj Kumar out of which 1 injury was found to be grievous in nature, which was caused on the jaw. There is no specific allegations that said injury was caused with sharp edged weapon. So apparently the said injury comes under Section 325 IPC.

Co-accused Sandeep Kumar was granted regular bail vide Annexure P-3 subject to deposit of the alleged snatched amount of ₹18,000/- in the Court concerned.

In the present case, the petitioner is stated to be in custody on 31.5.2022 and after completion of investigation challan has been presented but it will take considerable time for the trial to conclude.. So no purpose is going to be served by keeping the accused behind the bars.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

20.01.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No