

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

CRM-M-50930-2022 (O&M)
Date of Decision:-20.02.2023

ANKUSH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

CRM-2842-2023

Allowed as prayed for and documents Annexures P-5 and P-6
are ordered to be taken on record subject to all just exceptions.

Main Case

Prayer is for grant of regular bail in case having FIR No.208
dated 15.4.2021 registered under Sections 148, 149, 307, 323, 324 IPC
(Section 506 IPC added later on) at Police Station Gharaunda, District
Karnal.

As per the allegations appearing on the record, the petitioner

conspired with his companions and called Kapil and Gaurav to herbal park where petitioner gave knife blows to Kapil and Gaurav while his companions gave slap and fist blows to them. The petitioner was arrested in this case on 17.4.2021 and no weapon was recovered from his possession during investigation of this case.

The counsel for the petitioner submits that present case involves version as well cross-version. That as per cross-version, the opposite party caused injuries to the petitioner. The counsel for the petitioner further apprised the Court that co-accused Parveen Kumar, Rajat, Amandeep @ Monu and Sourabh already given concession of regular bail by this Court vide orders Annexures P-3 to Annexure P-6. The counsel further submits that petitioner is behind that bars since last 1 year and 10 months and having no criminal history and it will take considerable time for trial to conclude. The counsel for the petitioner made prayer that the petitioner be granted concession of regular bail.

Status report by way of affidavit of Manoj Kumar, DSP, Gharaunda District Karnal filed on behalf of the State is ordered to be taken on record.

The instant petition is resisted by the State counsel, who submits that the petitioner is person who gave knife blows to Kapil and Gaurav. However, the State counsel has not disputed the fact that there is also cross-version, as per which opposite party caused injuries to the present petitioner. State counsel has not disputed the fact that other co-accused have been granted regular bail vide Annexure P-3 to P-6 and petitioner is incarcerated since last 1 year and 10 months and that further no weapon was

recovered from the possession of the petitioner during investigation of this case.

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

No doubt, as per the allegations appearing on the record, the petitioner gave knife blows to Kapil and Gaurav, who belonged to opposite party. During trial both the injured namely Kapil and Gaurav stand examined, so there is no apprehension that if released on bail, the petitioner is going to influence them. Other accused namely Parveen Kumar, Rajat, Amandeep @ Monu and Sourabh are enlarged on bail by this Court vide orders Annexure P-3 to Annexure P-6. As per the custody certificate furnished by the State counsel, the petitioner is in custody since last 1 year and 10 months and having no criminal history. Also as has been admitted by the State counsel, there is cross-version as per which the petitioner sustained injuries at the hand of opposite party. Admittedly it will take time for the trial to conclude, so no purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.

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.

(KARAMJIT SINGH)
JUDGE

20.02.2023
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No