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

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CRM-M-50159-2023

Date of decision : 10.10.2023

Ankit**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.402 dated 05.07.2023, registered for the offences punishable under Sections 323, 379-B and 34 of IPC, 1860 and Sections 25-54-59 of the Arms Act (Sections 25-54-59 of the Arms Act added later on) at Police Station Bhiwani Sadar, District Bhiwani.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“To, SHO Sir Police Station Sadar Bhiwani, sir, it is submitted that I am Ashok son of Balbir Singh is resident of Village Sakrod District Charkhi Dadri and I am 35 years old. I am working on liquor vend stated at village Puranpura which has English and country made (desi) liquor. On dated 04.07.2023 at about 08:30PM when I was present inside the liquor vend then three people whose names and addresses

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I don't know entered the liquor vend and one was having sword in his hand, 2 people were having ice breaker (aua) in their hands and while entering in the liquor vend, they asked me why we have opened this liquor vend here. Upon this I informed them that this liquor vend belongs to owner Satbir Sanga. After saying this, the persons whose names and addresses I don't know started giving beatings to me and out of them, 2 persons had inflicted sua (ice breaker) blow on my both legs and upon my right hand and the persons who was having sword in his hands he continuously threatened me with sword, all three accused persons had given beatings to me and had given injuries to me and they have taken cash drawer (galla) along with them and about Rs.8500/- cash was there in the cash drawer and they have taken cash along with drawer itself and thereafter I called Deepak and called him at liquor vend and he after arranging the vehicle has taken me to hospital at Bhiwani and got me admitted over there. The abovementioned persons whose names and addresses I don't know may kindly be searched and strict legal action may kindly be taken against them and our money may kindly be recovered from them. I am admitted at emergency ward. My treatment is being going on. Now you are present. I have given my complaint to you.”

3. Counsel for the petitioner contends that as per the allegation levelled in the FIR, the petitioner was armed with sword and in fact no injury has been caused with the sword, but with the ice picker (sua). Investigating already stands concluded, challan stands presented and thus there cannot be any apprehension that the petitioner shall

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tamper with the evidence.

4. Custody certificate has been produced. As per the same, the petitioner has undergone actual custody of more than 03 months and 01 day.
5. State counsel does not dispute that the investigation already stands concluded and report under Section 173 stands filed.
6. In view of aforesaid fact, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

10.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No