

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

**CRM-M-57382-2022
DECIDED ON: 09.02.2023**

ARSHAD

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Anirudh Singh Shera, Advocate and
Ms. Manju Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.262, dated 18.05.2022, under Sections 148, 149, 323, 452, 506 of the IPC, 1860 and (Section 302 of IPC added later on), registered at Police Station Sadar, Sadar Nuh, District Nuh.

Learned counsel for the petitioner contends that as per the version of the prosecution, the injury attributed to the petitioner is with farsa on the left hand of the complainant, who is the father of the deceased. He further contends that in fact it was a danda which is recovered from the possession of the petitioner and the story put by the prosecution is totally false.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 8 months and 7 days.

Mr. Saurav Bhatia, Advocate has put in appearance on behalf of

the complainant and has filed vakalatnama, which is taken on record.

Learned counsel for the complainant states that the main accused is a proclaimed offender who is yet to be examined and is still threatening the complainant, though, no material with regard to threat has been produced or put forth before this Court.

Considering the aforesaid facts and the custody period suffered by the petitioner so far i.e., 8 months and 7 days, apart from the fact that the petitioner is not involved in any other case, wherein admittedly the fatal blow to the boy aged 14 years was given by Aamini with axe on the head of the deceased minor child and it is also cannot be assumed by this Court that all the parties are close relatives of each other, therefore, the factum of main accused having being declared as a proclaimed offender cannot be taken into account and admittedly, the petitioner has not given injury on any vital part of the body.

In light of the above facts and circumstances, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

09.02.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>