

2023:PHHC:155407

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

CRM-M-60054-2023
Date of Decision : December 05, 2023

Joginder @ Jony	Vs.	Petitioner
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.589 dated 25.08.2023 under Sections 148, 149, 308, 323, 324, 506 IPC and Section 325 of IPC (added later on), registered at Police Station Assandh, District Karnal.

2. The present FIR came to be registered at the instance of one Ishwar, who stated that he was a carpenter. On 23.8.2023, an altercation had taken place between him (complainant), brother Kalu and Rahul. After some time, he (complainant) heard a noise coming from Kalu's room. He found that Nandu and Rahul were beating him with sticks and bindas. They (complainant party) called No.112. Meanwhile, Krishna son of Deepa called Subhash, Satvir, Amit and Joginder @ Jony (petitioner) and many unknown persons, who all came to spot armed with sticks, swords, Gandasis and Lathis. They all caused injuries to him (complainant), his brother Pawan Kumar, Kalu Ram and Bunti w/o Sanjeev Kumar with Lathis, Dandas and Gandasis. Thereafter, the accused fled away from the spot.

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. However, taking the allegations to be correct, the injuries attracting Sections 308 and 325 are attributed to the co-accused Nandu and Rahul. No specific injury or overt act has been attributed to the petitioner. As the petitioner was in custody since 29.8.2023, none of the 13 prosecution witnesses had been examined so far and he was first time offender, he was entitled to the concession of bail.

4. The learned State counsel, on the other hand, contends that serious allegations have been levelled against the petitioner and his co-accused. All the accused collectively caused injuries to the complainant party. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner was a first offender and in custody since 29.8.2023 and that after conclusion of the investigation, none of the 13 prosecution witnesses had been examined so far.

5. I have heard learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused will be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender; in custody since 29.8.2023 and none of the 13 prosecution witnesses have been examined so far. Therefore, the trial of the prosecution is not likely to be concluded in near future. In this situation, the further incarceration of the petitioner is not required.

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

08. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

09. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 05, 2023
satish

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO