

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-63256-2023

Date of Decision:-20.12.2023

Pardeep Kumar.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Pawan Attri, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.307 dated 10.05.2023 under Sections 323, 324, 506, 34 and 307 IPC (added later on) registered at Police Station Sadar Thanesar, District Kurukshetra.

2. The present FIR came to be registered on the statement of Salinder Kumar who stated that while Rajat had caught hold of him Pardeep (petitioner) gave him two blows of some sharp edged object on his chest and back. Thereafter the accused had fled away from the spot while he was taken to the hospital.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The wife of the petitioner namely Suman and mother Kusum Lata had also filed a complaint against the complainant Salinder. An inquiry had been conducted and it had been

found that the land in dispute because of which the occurrence had taken place had always been cultivated by the petitioner. However, taking the allegations to be correct, no offence under Section 307 IPC was made out and the offence, if any, would be under Section 326 IPC only. As the petitioner was in custody since 16.06.2023 and none of the 15 prosecution witnesses have been examined so far, he was entitled to the concession of bail as he had clean antecedents.

4. The Counsel for the State on the other hand contends that stab injuries had been attributed to the petitioner on the chest and on the back. The injuries on the chest had been declared to be dangerous to life. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that the petitioner is a first time offender, in custody since 16.06.2023 and none of the 15 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 16.06.2023 and none of the 15 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Pardeep Kumar** son of Sh. Roshan Lal is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. 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.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 20, 2023

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No