

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

CRM-M-423-2024
Date of Decision:29.01.2024

Irfan ...Petitioner

VS.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. J.P.Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.222 dated 10.09.2023 registered under Sections 148, 149, 323, 506 of IPC (Section 325 and 307 IPC were added later on), at Police Station Sadar Kanina, District Mahendergarh.

2. Learned counsel for the petitioner contends that the petitioner had initially lodged FIR No.221 dated 09.09.2023 under Sections 148, 149, 302, 307, 323, 506 of IPC, at Police Station Sadar Kanina (Annexure P-3) against the complainant party and the present FIR was got registered by the complainant party as a counter blast to the said FIR. As per case of the prosecution, the petitioner was armed with a danda and he had allegedly caused an injury on the back of Lal Mohammad, complainant, which was declared to be simple in nature. He further contends that the injuries were caused by the

accused side in their self defence and the question of aggressor is yet to be decided by the trial Court during the course of trial. He further contends that the petitioner was arrested in the present case on 08.12.2023 and his custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. It is a case of version and cross version and both the sides had suffered injuries in the present case. Apart from that, co-accused Arif Khan, who was similarly placed, has already been granted the concession of anticipatory bail by this Court, vide order dated 25.01.2024 in CRM-M-2402-2024. Even otherwise, the petitioner is in custody since 08.12.2023 and his custody will not serve any meaningful purpose.

6. 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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