

GAURAV

CRM-M-9972-2024
Date of Decision: 04.03.2024

GAURAV

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kushagra Beniwal, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 589 dated 26.08.2023 registered for the offences punishable under Sections 323, 341, 506, 34, and 307 of IPC (Sections 307 of IPC added later on) at Police Station City Sirsa, District Sirsa.

2. As per the allegations appearing on the record, at the time of occurrence petitioner, Satender and Joji started argument with the complainant and at that time Joji lost temper and gave brick blow on the head of the complainant while petitioner and Satender gave kick and fist blows to the complainant.

3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody since 21.09.2023 and is having no criminal history. It is further submitted that during investigation no incriminating article was recovered at the instance of the petitioner and further no grievous or dangerous injury is attributed to the petitioner and it will take time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4.

The present petition is resisted by the State counsel who on instructions from SI Kaptan Singh submits that petitioner actively participated in the occurrence and gave fist and kick blows to the complainant while Joji gave brick blow on the head of the complainant. However, the State counsel has not refuted the fact that the petitioner is in custody for the last more than 5 months and is having no criminal antecedents and that during investigation nothing was recovered from the possession of the petitioner. The State counsel also admitted that similarly situated co-accused Satender is enlarged on bail vide order dated 16.02.2024 having CRM-M-60609-2023.
5.

I have considered the submissions made by counsel for the parties.
6.

From the perusal of the record, it appears that the main injury was attributed to co-accused Joji who is in custody. The only allegation against the petitioner are that he gave kick and fist blows to the complainant at the time of occurrence. The petitioner is having no criminal history and is in custody since 21.09.2023 and during investigation nothing was recovered from his possession. It will take considerable time for the trial to conclude.
7.

In the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner for any longer period.
8.

In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.03.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE