

215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

**CRM-M-10678-2024 (O&M)**  
**Date of Decision: 06.03.2024**

**...Petitioner**

V/S

## ...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Arun Chander Sharma, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Ankit Agarwal, Advocate for respondent No. 2.

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**HARPREET SINGH BRAR J. (Oral)**

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 526 dated 27.07.2023 registered under Sections 34, 148, 149, 323, 324, 307, 326 and 379-B of Indian Penal Code (Sections 148, 149, 326 of IPC added and Section 34 IPC deleted later on) at Police Station Thanesar Sadar, District Kurukshetra.

2. The present FIR was registered on the allegation that during the intervening night of 26th/27th July, 2023, an information was received from LNJP Hospital with regard to the admission of injured namely Smile due to injuries suffered in his scuffle. The statement of the injured was not recorded as he was referred to PGI, Chandigarh. The statement of the uncle of the injured was recorded in which he stated that on 26.07.2023, his nephew-Smile was given injuries by Amit, DXX (Juvenile) and other boys with knife and his nephew has narrated the entire incident while he was taking him to the hospital. The injured has alleged that DXX (Juvenile) has caught hold of him and Amit gave him knife blows in stomach and

thereafter, they snatched his silver chain and he became unconscious.

3. Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and no specific role is attributed to him. Admittedly, the injury which attracts Section 307 of IPC has been attributed to the main accused-Amit and the injured was caught hold by another co-accused DXX (Juvenile). As such, there is nothing on record to prove the complicity of the petitioner in the alleged offence. He further submits that the petitioner is behind the bars since 10.11.2023. He is having clean antecedents and only 20 years of age. Moreover, the complainant has now effected compromise with the petitioner which is available on record as Annexure P-2. The complainant has categorically stated that after inquiring from his nephew-Smile, he found that the petitioner is not involved in the alleged incident and he has never seen the petitioner before. Learned counsel further contends that similarly situated co-accused namely Rakesh has been granted the concession of regular bail by this Court vide order dated 21.02.2024 (Annexure P-3) passed in CRM-M-8267-2024.

4. Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that it is a matter of trial whether the petitioner has actively participated in the incident or not and there is sufficient evidence available on record to establish the involvement of the petitioner in the alleged incident.

5. Mr. Ankit Aggarwal, Advocate puts in appearance on behalf of respondent No.2 and files his power of attorney in the Court today which is taken on record. He submits that the petitioner was involved in the present case due to some misconception and in fact, he is not the person who is involved in the current case. He further submits that he has no objection if

the present petitioner is granted regular bail.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 10.11.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court on 18.11.2023 and trial of the case has not yet commenced as none out of 19 prosecution witnesses has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. Keeping in view the age of the petitioner and the fact that the is not involved in any other case, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Manish Kumar is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

06.03.2024  
Ajay Goswami

(HARPREET SINGH BRAR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |