

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

CRM-M-11656-2024
DECIDED ON: 03.04.2024

VISHAL RANA @ VISHAL KUMARPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana.

Mr. Udit Mendiratta, Advocate for complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the 2nd time under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.159, dated 12.10.2023, under Sections 323, 341, 506, 34 of IPC, 1860 (Sections 148, 149 and 307 of IPC added later on), registered at Police Station Sector 20, District Panchkula.

2. Learned counsel for the petitioner asserts that the petitioner has been attributed with an injury given by an iron rod out of total 8 injuries suffered by the victim. He further asserts that on an earlier occasion, when 1st bail petition was withdrawn at that time, neither inquiry was completed nor specific role was coming forth and the prosecution has taken a stand that the petitioner has been attributed an injury given by sharp edged weapon. He has drawn attention of this Court to a report under Section 173 Cr.P.C., from where it is crystal clear that the petitioner has been attributed an injury with an iron rod, which is not on any vital part of the body to attract Section 307 of IPC.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He does not controvert the fact that the injury attributed to the petitioner is neither grievous nor dangerous to life.

4. Be that as it may considering the fact that only one injury attributed to the petitioner, which is not on any vital part of the body to attract Section 307 of IPC as per the final report under Section 173 Cr.P.C., and the petitioner is in custody since 21.10.2023, who is not involved in any other case, meaning thereby he is not a habitual offender added with the fact that no custodial interrogation of the petitioner is required, as investigation is complete, challan stands presented and charges are yet to be framed, which is sufficient to infer this Court that conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

5. In the light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition, is hereby allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

03.04.2024

Meenu

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