



CRM-M-12039-2024 (O&M)

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

CRM-M-12039-2024 (O&M)

Date of decision: 15.05.2024

Ajay Kumar @ Aju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Ms. Deepali, Advocate for
Mr. Sandeep Kumar Yadav, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)**CRM-18225-2024**

The present application is hereby disposed of and copy of order dated 15.04.2024 (Annexure A-1) passed by this Court in CRM-M-12529-2024 is taken on record.

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1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case having FIR No.98 dated 09.04.2023 registered under Sections 323, 341, 506, 34 IPC (Section 307 IPC added later on), at Police Station Ateli District Mahendergarh.
2. As per prosecution version, on 04.04.2023 at about 7:20 PM, the complainant was going towards his well on a tractor after dropping labour at a brick kiln and on the way, he was intercepted by 6/7 persons armed with different weapon who were traveling in a vehicle and then all of them got down and attacked complainant and caused injuries to him. The



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complainant was of firm belief that the aforesaid 6/7 persons attacked complainant, at the instance of Bhopal and his son Mohit. During investigation, the petitioner was nominated as accused and arrested on 12.08.2023.

3. The counsel for the petitioner submits that the petitioner who was not named in the FIR was later on, impleaded as an accused on the basis of disclosure statement of co-accused. It is further submitted that even as per the allegation appearing on record, at the time of occurrence. The petitioner caused injuries to the complainant with the help of wooden *danda*. It is further submitted that the injury covered under Section 307 IPC is attributed to main accused Arvind and none of the other injuries are specifically attributed to the petitioner who is in custody for the last more than 9 months. It is further submitted that it will take time for trial to conclude and that co-accused Pankaj who was also not named in the FIR is given concession of regular bail vide order Annexure A-1.

4. The present petition is resisted by the State counsel who on instructions from P/SI Sonu submits that the petitioner who was not named in the FIR was later on, arrayed as an accused on the basis of supplementary statement of cousin brother of complainant and disclosure statement suffered by co-accused, as per which, the petitioner at the time of occurrence was armed with wooden *danda* but no specific injury is attributed to him. The State counsel further submits that petitioner was arrested and is in custody for the last more than 9 months and during investigation, wooden *danda* was recovered at his instance. The State counsel has not disputed the fact that the head injury which was found to be dangerous to life, is not attributed to the present petitioner. The State counsel also apprised the Court that after recording of part statement of complainant, the prosecution has filed an application under Section 319 Cr.P.C. and the same is now pending before the trial Court for its disposal.

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

6. Admittedly, the petitioner was not named in the FIR. As per the version of police, at the time of occurrence, petitioner caused injuries to

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complainant with the help of wooden *danda* and the recovery of the said weapon is already effected from the petitioner after his arrest in the present case of 12.08.2023. It *prima facie* appears that no life threatening injury is attributed to the petitioner who is incarcerated for the last more than 9 months. The trial is at its initial stage as has been admitted by the State counsel. It will take considerable time for trial to conclude. Further, co-accused Pankaj who was not named in the FIR is already given concession of regular bail by this Court vide order Annexure A-1. It being so, no purpose is going to be served by prolonging the judicial custody of the petitioner.

7. 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 of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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