

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12577-2024
Date of Decision: 15.03.2024

Sukhwinder Singh ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. Sandeep Sharma, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Partap Singh, Advocate, for the complainant.

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 in case FIR No.222 dated 04.11.2023 registered under Sections 324, 307, 506 of IPC (offences under Sections 148 and 149 of IPC deleted and Sections 323, 201 and 34 of IPC added later on), at Police Station Jagadhri Sadar, District Yamuna Nagar, Haryana.

2. Learned counsel for the petitioner submits that a civil litigation is already pending between the parties and due to the said fact, the petitioner has been falsely involved in the present case. He further contends that in fact, the petitioner and other co-accused were working in their fields and in the meantime, the complainant party attacked the petitioners' side and caused injuries to Ravinder and the present petitioner. Learned counsel further contends that the petitioner was arrested in the present case on 13.11.2023 and is in custody since then. He further contends that the final report under Section

173 Cr.P.C. has already been presented against the present petitioner and he is the first offender.

3. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that very serious allegations have been levelled against the present petitioner. Even injuries were caused on the neck of two injured with an intention to kill them and the petitioner is not entitled to be released on bail by this Court. However, it is an admitted fact that the injured have been discharged long ago.

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

6. In the present case, the petitioner was arrested on 13.11.2023 and is in custody for the last four months. Apart from that, a civil litigation is already pending between the parties before the competent Court. Even it is apparent from the MLR (Annexure P-3) that the petitioners' side have also suffered injuries in the present incident and the question of aggressor is yet to be decided by the trial Court.

7. 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.

(N.S.SHEKHAWAT)
JUDGE

15.03.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No