

111+249

2024:PHHC:143975



CRM-M-12253-2024 (O&M)

-1-

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

CRM-M-12253-2024 (O&M)

Date of decision: 05.11.2024

Sharwan Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gurdarshan Singh Sidhu, Advocate,
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Ms. Neha Bindal, Advocate,
for Mr. S.S. Gill, Advocate,
for the complainant.

.....

SANJIV BERRY, J. (ORAL)

CRM-41940-2024

Learned counsel for the applicant-petitioner does not press
the instant petition at this stage.

2. Dismissed as not pressed.

Main case

Custody certificate dated 04.11.2024 filed by learned State
counsel in Court today is taken on record. Copy thereof supplied to
learned counsel for the petitioner.



CRM-M-12253-2024 (O&M)

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
638	06.11.2023	147, 149, 323, 341, 367, 307 IPC & 25 and 27 of the Arms Act	Rania, District Sirsa

3. Heard.

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act nor any specific injury is attributed to the petitioner and none of the injuries sustained by the complainant have been found to be dangerous to life and nor the same are on the vital part of the body. He contends that the petitioner has already been in custody since 10.12.2023; charges have already been framed and the prosecution has cited 19 witnesses but none has been examined till date. He contends that although the petitioner is having one more case registered against him but he is on bail in that case. Hence, prays for grant of concession of regular bail.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner along with the co-accused had caused multiple injuries to the complainant although none of them was declared to be dangerous to



life but the charges under Section 307 IPC have been framed. Hence, prays for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that, admittedly, none of the injuries have been declared to be dangerous to life nor any injury is on the vital part of the body. The petitioner is in custody since 10.12.2023; charges have been framed by the learned Trial Court wherein 19 witnesses are yet to be examined and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial.

7. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

8. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.



CRM-M-12253-2024 (O&M)

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.
10. Petition stands allowed.
11. Pending miscellaneous application, if any, also stands disposed of.

05.11.2024
preeti

(SANJIV BERRY)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |