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

CRM-M-16729-2024

Date of decision: 22.04.2024

Balwant @ Vinod Kumar and Another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manvinder Sidhu, Advocate for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

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.585 dated 17.10.2023 registered under Sections 147, 148, 149, 323, 324, 326, 341, 452, 506 of IPC (Section 326 added later on) at Police Station Rania District Sirsa.

2. The allegations in nutshell are that at the time of occurrence, the petitioner and his accomplices caused injuries to Beant Singh while complainant Gurwinder Singh managed to escape from the clutches of the accused. At that time, the petitioner was armed with wooden danda. During investigation, the petitioner was arrested and got effected recovery of wooden danda.

3. Counsel for the petitioners submits that petitioner was not named in the FIR and was later on as nominated as accused and is in custody since 15.11.2023 and no grievous injury is attributed to the petitioners. Counsel for the petitioners further submits that on completion of investigation, challan has been presented but it will take

time for trial to conclude, after its commencement. It is further contended that similarly situated co-accused Manoj @ Manohar and Sandeep are already given concession of regular bail by this Court vide orders dated 20.03.2024 and 15.04.2024 respectively.

4. The present petition is resisted by the State counsel on instructions from ESI Lilu Ram submits that all the accused persons including the petitioners caused injuries to Beant Singh and at the time of occurrence petitioners were armed with dandas and the said wooden dandas were recovered, during investigation of the case. The State counsel has not disputed that petitioner is in custody since 15.11.2023 and that the trial is at its initial stage.

5. It appears all the offences are triable by Court of Judicial Magistrate Ist Class. After completion of investigation, police presented challan but the trial is at its initial stage. Apparently, it appears that no grievous injury is attributed to the petitioner who is stated to be armed with danda. Further the petitioner is in custody for the last more than 5 months and is having no criminal history. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

6. In light of the above, without expressing on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on regular bail subject to their furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No