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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16843-2024
Date of decision: 15.04.2024

Sandeep ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kushager Goyal, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 for grant of regular bail in case having FIR No.585 dated 17.10.2023 registered under Sections 323, 324, 34, 341 and 506 IPC (Sections 147, 148, 149 and 326 IPC were added and Section 34 of IPC was deleted later on) at Police Station Rania, District Sirsa.
2. The allegations in nutshell are that at the time of occurrence Pawan @ Damru and Manoj @ Manohar along with their unknown accomplices caused injuries to Beant Singh with different weapon while complainant Gurwinder Singh managed to escape from the clutches of the accused. During investigation, petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused Manoj @ Manohar and consequently, the petitioner was nominated as accused and arrested on 28.11.2023 and one wooden stick was recovered at his instance.
3. Counsel appearing on behalf of the petitioner submits that the

petitioner is falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused and is in custody since 28.11.2023. He further submits that the relevance and admissibility of disclosure statement made by co-accused will be tested during trial and further no offence under Section 326 of IPC is attributed to the petitioner who is stated to be armed with wooden stick at the time of alleged occurrence. Counsel for the petitioner further submits that on completion of investigation, challan stands presented but it will take time for trial to conclude. So prayer is made that petitioner who is having no criminal history, be released on regular bail.

4. Learned State counsel on instructions from SI Kamal Singh submits that all the accused including petitioner caused injuries to Beant Singh and at the time of occurrence, petitioner was armed with wooden stick and the said weapon was recovered during investigation of the case. The State counsel has not disputed the fact that petitioner is in custody since 28.11.2023.

5. Admittedly, petitioner was not named in the FIR and was later on nominated as accused on the basis of disclosure statement of co-accused Manoj @ Manohar. It also appears that at the time of occurrence, petitioner was having blunt weapon and during investigation wooden stick was recovered at the instance of petitioner. Thus, prima facie the injury if any, caused by petitioner is not covered under Section 326 IPC. The petitioner is in custody since 28.11.2023 and is having no criminal history and it will take time for the trial to conclude. Further co-accused Manoj @ Manohar who was named in the FIR is already enlarged on bail by this Court vide order dated 20.03.2023 in CRM-M-13468-2024. In the given circumstances, no

purpose will be served by detaining 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 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.

15.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No