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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17343-2024 (O&M)

Date of decision: 22.04.2024

Sultan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Navmohit Singh, Advocate
for the applicant-petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

CRM-16763-2024

1. This is an application filed under Section 482 of Cr.P.C for preponement of the date of hearing in the main case from 10.05.2024 to an early date.
2. For the reasons stated in the application, the same is allowed and the date of hearing in the main case is preponed from 10.05.2024 to today and the same is taken on board today itself for hearing.

CRM-M-17343-2024

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 323, 324, 341, 506, 34 of IPC (Section 326, 147, 148, 149 of IPC added later on and Section 34 of IPC deleted) 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 petitioner submits that petitioner was not named in the FIR and was later on as nominated as accused and is in custody since 02.12.2023 and no grievous injury is attributed to the petitioner. Counsel for the petitioner 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 order dated 20.03.2024 and 15.04.2024 respectively.

4. The present petition is resisted by the State counsel counsel on instructions from ESI Lilu Ram submits that all the accused persons including the petitioner caused injuries to Beant Singh and at the time of occurrence petitioner was armed with danda and said wooden danda was recovered, during investigation of the case. The State counsel has not disputed that petitioner is in custody since 02.12.2023 and that the trial 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 4 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 petitioner is ordered to be released on bail subject to his 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