

**CRM-M-18720-2024****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-18720-2024****Date of decision : November 06, 2024**

Pawan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. V.S.Rathee, Advocate, for the petitioner
Mr. Rajesh Gaur, Addl. AG, Haryana

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No. 207 dated 14.3.2023, under Sections 307,323,34,506 IPC, (later on Sections 324, 326 IPC and Section 25 of the Arms Act, 1959 were added), registered at Police Station Rohtak City, District Rohtak.

2. The petitioner was arrested in the instant case on 18.3.2023. The instant FIR was registered on the statement suffered by one Sameer son of Ravi, wherein, he alleged that on 13.3.2023, at about 9/9.30 PM, the petitioner along with co-accused Kunal Maddi, Sunny and one unknown person attacked upon the complainant, Tushar and Mohit. They caused injuries with slaps and fists and also with sharp edged weapons. During

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investigation, disclosure statement of the present petitioner was recorded, wherein, he confessed that he caused injuries to one of the injured Tushar with sharp edged weapon. This Court, on the last date of hearing, directed the State, to inform the medical status of victim Tushar, to whom the petitioner is alleged to have caused stab wound injury. In deference to the directions issued by this Court, status report by way of affidavit of Sh. Ravi Khundia, HPS, Deputy Superintendent of Police, Rohtak has been filed, and the same is taken on record.

3. As per medical report (*supra*), the victim is fit to work. The relevant extract reads as under:-

“That as per directions of the Hon'ble Court the medical examination of petitioner was got conducted from Department of Urology, P.G.I.M.S., Rohtak on 19/10/2024 and as per doctor's opinion “Patient is fit for work”. The medical certificate/outpatient card is attached herewith as Annexure R-1.”

4. Learned counsel for the petitioner in asking for the relief (*supra*) submits that, though, in the disclosure statement of the petitioner, it is mentioned that the petitioner has caused stab wound injury to the injured Tushar, however, in the statement recorded under Section 161 Cr.P.C. of victim Tushar, there is no such allegation. He further submits that in the FIR, no specific injury is attributed to the present petitioner. Finally, he submits that the petitioner has suffered incarceration of 01 year, 07 months and 15 days, as on today. Though the petitioner was convicted in one more



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case, but in that case he has already undergone the entire sentence.

5. The learned State counsel opposed the grant of regular bail , and submits that the petitioner is one, who caused stab wound injury to the injured Tushar. He further informed this Court that in this case no prosecution witness has been examined so far, whereas the prosecution has cited 23 witnesses, in its final report.

6. Be that as it may, this Court is of the view that the instant petition is amenable to be allowed, for the hereinafter extracted reasons:-

(i) that the victim Tushar is medically fit;

(ii) Whether the petitioner has caused stab wound injury to the victim, would be moot question to be decided by the learned trial court concerned, after appreciation of evidence, which is yet to be adduced by the prosecution;

(ii) the petitioner has suffered incarceration of 01 year, 07 months and 15 days and till date, the prosecution has not examined even a single witness, therefore, this Court can safely conclude that the trial will take long time to conclude;

7. In view of the above, the further incarceration of the petitioner in the present FIR is totally unwarranted, therefore, the instant petition is **allowed.**

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.



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9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 06, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ?

Whether Reportable ?

Yes/No

Yes/No