

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

CRM-M-18453-2024

Date of Decision: 23.04.2024

Amit Kumar @ Tinku

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishwajit, Advocate for
Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.051 dated 28.01.2024 registered under Sections 323, 341, 506 @ 34 of IPC (Section 307 of IPC added later on), at Police Station City Hisar, District Hisar.

2. Learned counsel for the petitioner contends that the FIR in the present case was initially registered under Sections 323, 341, 506, 34 IPC and the offence under Section 307 IPC has been added at a later stage, just to make the offence graver. He further contends that the petitioner was not initially named in the FIR and was implicated after the four days of occurrence. He further contends that in the present case, no specific role has been attributed to the present petitioner and no motive has also been alleged against him. While referring to Annexure P-2, learned counsel further contends that in the present case, on receipt of the ruqa, the police had gone to Community Health Centre,

Hospital and when the police reached there for recording the statement of the injured, it was found that the injured had already left the hospital against the medical advise. He further contends that the petitioner is in custody since 05.02.2024 and the injured has already been discharged in the present case. The police has already presented the final report of investigation under Section 173 Cr.P.C. in the present case. Apart from that, the matter has been amicably resolved between the parties in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submitted that he is not entitled to be released on bail.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner is in custody for the last more than 02 months and the challan has already been presented before the competent Court. No witness has been examined by the prosecution so far and the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

23.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No