

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

CRM-M-20390-2023
Reserved on: 04.01.2024
Pronounced on: 05.01.2024
2024:PHHC:000620

AMIT @ AMIT SINGH

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. S. Momi, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Priyavrat Prashar, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.245 dated 28.08.2021 registered at Police Station Kalayat, District Kaithal, under Sections 148/149/323/341/435/506 IPC (later on Section 307 IPC was added in the FIR).

2. This is the third petition. The first petition bearing CRM-M-10729-2022 was dismissed as withdrawn on 17.03.2022 after informing that complainant was yet to be examined. Second petition bearing CRM-M-29642-2022 was dismissed as withdrawn vide order dated 18.07.2022 due to improper instructions.

3. As per prosecution allegations, on 25.08.2021 at about 09:00 PM, petitioner along with co-accused caused injuries with various weapons to Gurmej Singh son of Dal Singh. Petitioner is attributed to have given a gandasi blow from back side on the head of Gurmej Singh. On receiving information about the admission of Gurmej Singh in the Hospital, police reached there, but injured was declared unfit to make statement. Later on, he was admitted to PGIMS, Chandigarh. FIR was recorded on the basis of statement made by Salinder, the brother of injured, who is stated to be eyewitness of the crime.

4.1 It is contended by Id. counsel that petitioner has been falsely implicated; that though petitioner along with 10-12 other people caused injuries on the person of Gurmej Singh, but only two injuries have been found on his person as per MLR. Ld. counsel further submits that this is a case of version and cross-version, inasmuch as one Gurmit Singh from the accused side also sustained injuries, who was medico-legally examined on 26.08.2021 and seven injuries were found on his person.

4.2 Ld. counsel further contends that after completion of investigation, challan has already been filed; that injured and eyewitness have already been examined; that there is a delay of three days in registration of the FIR; that further trial may take time to conclude and so, looking at the custody period of the petitioner, he be allowed bail.

5. Ld. State counsel ably supported by counsel for the complainant opposed the petition by submitting that petitioner is the main accused, who had opened the attack and inflicted gandas blow on the head of the injured Gurmej Singh. Ld. counsel for the complainant has also placed on record a photograph to reveal the intensity of injury caused on the head of the complainant. However, it is conceded that statement of complainant Salinder as well as injured Gurmej Singh has since been recorded by the trial Court concerned. Copies of those statements have also been placed on record.

6. Apart from above, custody certificate reveals that petitioner is in custody for the last 2 years 3 months and 6 days. He has no other criminal case pending against him. Trial may take time to conclude.

7. Having regard to all the above said facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

05.01.2024
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No