

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-19668-2024 (O&M)
Date of Decision: 29.04.2024

SOURAVPetitioner

Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Kamal Jindal, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.303 dated 20.05.2023 registered under Sections 323, 324, 34 IPC (Sections 326, 307 IPC added later on) at Police Station City Mandi Dadwali, District Sirsa.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of having given a sword blow on the head of complainant/victim namely Sajan.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner along with other perpetrators gave five injuries to the complainant out of which three were given on the head and injury no.1 was even declared to be grievous and dangerous to life.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, investigation already stands concluded with the filing of challan followed by framing of charges and only 01 prosecution witness has been examined so far out of total 12 witnesses. The record further shows that as per initial version in the FIR, petitioner was never attributed any specific injury, however, after a period of almost 12 days i.e. 02.06.2023, the complainant got recorded his supplementary statement wherein he made allegation *qua* the petitioner of giving a sword blow on his head which needs to be examined during trial.
6. Considering the fact that the petitioner being not involved in any other case and is behind the bars for the past more than 11 months, I do not find any justification to extend his incarceration.
7. Accordingly, without expressing any opinion 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 adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 29, 2024
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No