



214

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

CRM-M-22521-2024**Date of Decision: 01.08.2024**

Sumit

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. S.K.Verma, 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.355 dated 12.10.2023 registered under Sections 323, 341, 506 and 34 of IPC, 1860 (Later on added Section 307 IPC), at Police Station Julana, Tehsil Julana, District Jind.

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the petitioner had allegedly inflicted an injury with a hammer on the head of Pratik son of Ajay. Even as per the MLR of Pratik-injured, there was only one injury, which was initially declared to be simple and the FIR was initially registered under Sections 323, 341, 506 and 34 IPC. Learned counsel further contends that the complainant, in collusion with the police, procured a report and had wrongly got the injury declared to be dangerous to life, in order to make the offence graver and the offence under Section 307 IPC was wrongly added in the present case. He further contends that the injured has already been discharged in the present case and is hale and



hearty. Still further, the petitioner was arrested in the present case on 23.11.2023 and is the first offender. He was never involved in any other criminal activity in the past. He further submits that charges have been framed, but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and serious allegations have been levelled against him. However, he does not deserve the concession of bail by this Court.

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

5. The petitioner was arrested in the present case on 23.11.2023 and is in custody for the last more than 08 months. The trial is at the nascent stage and is not likely to conclude in near future. Apart from that, the petitioner was never involved in any other criminal activity and no purpose will be served by keeping him behind bars.

7. 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.

01.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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