



CRM-M-27024-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

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Date of Decision : May 30, 2024

SHALU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent : Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, 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.663 dated 23.11.2023, under Sections 148, 149, 323, 324, 506 IPC (Section 326 IPC added lateron), registered at Police Station Sector 32-33, Karnal.
2. The case of the prosecution as culled out from order of the learned Additional Sessions Judge, Karnal while declining the regular bail to the petitioner reads as under:-

“In brief, the prosecution case is that on 21.11.2023 police received information that Vansh Rana son of Aman Rana had been admitted in Amritdhara Hospital, Karnal on account of injuries sustained in a fight. Upon this, Investigating Officer reached Amritdhara Hospital Karnal and obtained the opinion of doctor who declared the injured Vansh Rana as unfit for making statement on 22.11.2023. On 23.11.2023, the doctor declared the injured as fit for making statement. In this regard, ccplainant alleged that he is the resident of Village Aripur, PS Gnaraunda, District Karnal and have been studying mechanical at ITI for four months.

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At about 04:40 pm, when he was inside ITI, there was a girl who knew him but he did not know her. She started telling him that two boys namely Aman and Sintu alongwith their eight friends were searching him and about hurting him so she advised him to go from there. On whose request, he reached at the gate of ITI at about 05:30 pm. There were 7/8 boys after which he came to know the names of the boys as Aman and Sintu. Aman and Sintu asked him are you Vansh. As soon as, he said yes, Anan took out a knife from his pants with his hand attacked him and stabbed on the right shoulder. The companions of the assailants also beatings with dandas, punches and slaps. The assailants ran away alongwith their weapons and threatened to kill him upon getting an opportunity. A prayer was made to take necessary action against the culprits. On the basis of said application and the MLR of injured Vansh, the present FIR was registered under Section 148, 149, 323, 324, 506 IPC.”

3. A perusal of the above reflects that the injury which invited the penal provisions of Section 326 IPC is not attributed to the petitioner.

4. Learned counsel for the petitioner in the asking for the relief (supra), submits that the petitioner has clean antecedents and has suffered incarceration of about 2 months and 7 days. He further submits that the co-accused, to whom the main injury is attributed, has already been arrested and the weapon of offence has been recovered from him.

5. Per contra, the learned State counsel has filed the custody certificate, which is taken on record. The custody certificate makes revelation that the petitioner has suffered incarceration of 2 month and 7 days and is not involved in any other case. He further informs this Court that the main injury, which attracted the provisions of Section 326 IPC, is



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infact attributed to one Aman and he has already been arrested and the weapon of offence has been recovered from him. He further informs this Court on instructions imparted to him by the official concerned that after completion of investigation, the final report was presented on 16.5.2024 and charges are yet to be framed and a total of 11 witnesses have been cited by the prosecution in the final report.

6. In view of the above said fact that the trial is yet to begin and the petitioner has suffered incarceration of 2 months and 7 days as on today and the grievous injury, which attracted the provisions of Section 326 IPC, is not attributed to the petitioner, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. 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.

8. 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.

May 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No