



CRM-M -27425-2024

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

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CRM-M -27425-2024

Date of Decision : **August 01, 2024**

KARANDEEP SINGH @ KD

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.C.Shahpuri, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., 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.127 dated 9.3.2023, under Sections 148, 149, 323, 324, 120-B IPC and under Section 42 of the Prisoner Act, (under Sections 307, 506 IPC, added later on), registered at Police Station City, Jagadhri, District Yamuna Nagar.

2. On perusal of the FIR, it surfaced that the allegations, as levelled against the petitioner, are that the petitioner being a prisoner and confined in District Jail, Yamuna Nagar, alongwith other co-accused has caused injuries to the co-prisoner with sharp edged weapon. The instant FIR has been registered on a complaint made by Varun Kumar, Deputy Superintnedent, District Jail, Yamuna Nagar. The relevant extract of the



allegations, which has been culled out by the learned Additional Sessions Judge concerned reads as under:-

“Prisoners Babu son of Sikander of block No. 5 remain together with others prisoners namely Arshdeep, Nirwar, Jaskaran, Karandeep, Sachin and Amritpal. On 08.03.2023, he applied Gulal to others prisoners of block No.5 namely Manbir, Digvijay, Vipul on the occasion of Holi Festival due to which they became aggressive and gave beating to these prisoners and attacked on prisoners Manbir, Digvijay, Vipul with sharp edged article. On the basis of this complaint, the present FIR under sections 148, 149, 323, 324 IPC 1860 and Section 42 of the Prisoner Act was registered. During investigation, weapon used in commission of offence was recovered. Statement of injured Manbir Chahal was recorded. On the basis of MLR and CT Scan report, of injured, section 307, 506 IPC was added. During further investigation, Sachin was found innocent. Accused Karandeep alias KD (applicant/accused) and Vikesh Saini was arrested.”

3. Learned counsel for the petitioner in the asking for the relief (supra) submits that neither any specific role has been assigned to the petitioner nor any injury has been attributed to the petitioner requiring his further incarceration. He further submits that no recovery was effected from him during his custodial interrogation and the final report has already been filed before the learned Illaqa Magistrate concerned. Finally, he submits that though the petitioner is involved in two other cases of similar nature, but in one case, he has already earned acquittal vide judgment dated 26.7.2024 and in other case, he has already been extended the relief of regular bail.

4. The learned State counsel has opposed the grant of regular bail to the petitioner and submits that the petitioner, while an undertrial and



confined in District Jail, Yamuna Nagar has caused serious injuries to the co-prisoner. Infact in the instant incident, three persons suffered injuries and out of them, one person has suffered grievous injury, which was subsequently declared dangerous to live. He has placed on record the custody certificate, which reflects that the petitioner has suffered incarceration of approximately 9 months. The custody certificate further reflect that he is involved in two other cases, however, in one case admittedly he has earned acquittal and in second case, he is on bail.

5. The learned State counsel on instructions imparted to him by ASI Khushbir Singh submits that in this case the final report has been filed on 24.2.2024 and the charges have been framed on 18.4.2024 and out of total 19 cited witnesses, none has been examined so far.

6. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the present petitioner deserves to be released on bail for the reason that, no specific injury is attributed to him in the FIR (supra) coupled with the fact that the recovery has not been effected from the present petitioner and further the petitioner has suffered incarceration of approximately 9 months as on today and the trial is yet to begin as no prosecution witness has been examined so far.

7. In view of the above facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.



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8. 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.

9. 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.

August 01, 2024
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(KULDEEP TIWARI)
JUDGE

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