



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

**CRM-M-28589-2024
DATE OF DECISION: 13.06.2024**

GOURAV

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Rashika Bansal, Advocate and
Mr. S.S. Kanwar, Advocate for the petitioner(s).
Mr. Gaurav Bansal, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No. 192, dated 12.10.2023, under Sections 148, 149, 323, 341 and 506 IPC (Section 307 and 325 IPC added later on), registered at Police Station Bond Kalan, District Charkhi Dadri.
2. It has been contended by learned counsel for the petitioner that all the injured received simple injuries except injury No.1, which has been attributed to the co-accused namely Ajay and the said injury has been shown to be grievous in nature by the doctor as per his opinion dated 05.11.2023. It has further contended that no specific injury has been attributed to the present petitioner, who has suffered incarceration for a period of 6 months and 10 days as of now. He further seeks parity with the co-accused-Sachin @ Chotu who has already been granted regular bail by this Court vide order dated 29.05.2024 passed in CRM-M-26663-2024.



CRM-M-28589-2024

-2-

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner to corroborate the custody undergone by him i.e. 06 months and 10 days. He does not controvert the fact that the injury i.e. injury No.1, which falls under the ambit of Section 307 IPC has been attributed to the co-accused of the petitioner namely Ajay and also the fact that the petitioner is on same footing as co-accused Sachin @ Chotu who has already been granted the concession of regular bail.

4. Keeping in view the fact that no injury has been attributed to the present petitioner, the co-accused has already been granted bail and the injury which falls under the ambit of Section 307 IPC has been attributed to the co-accused namely Ajay added with the fact that after framing of charges out of total 16 prosecution witnesses, none has been examined so far meaning thereby, the conclusion of trial shall take considerable time, this Court is of the view that no fruitful purpose would be served by detaining the petitioner behind the bars for an indefinite period, which would curtail his right to life and liberty including speedy trial as enshrined under Article 21 of the Constitution of India and is also against the principle "Bail is a rule, jail is an exception" as elucidated in the judgement of Apex Court in "**Dataram Singh vs. State of Uttar Pradesh and another;**, (2018) 3 SCC 22".

5. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing personal/surety bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. The present is allowed in the afore-said terms.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

13.06.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No