



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.29929 of 2024
Date of Decision: 03.07.2024

Deepanshu ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case arising out of FIR No.94 registered under Sections 307, 323, 506 and 34 of IPC at Police Station HSIDC Barhi, District Sonipat.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 03.04.2023 on the basis of complaint lodged by the complainant Sheel Kumar alleging therein that on the same day, he along with his friend Parveen @ Kalu was going towards Panchayati land of Village Maare Wli,hen he heard some rescue alarm and on rushing towards that place, he found that the petitioner along with co-accused Aman and Rahul was assaulting Parveen. Within his sight, the accused Aman inflicted injuries upon the head and foot of Parveen with an axe whereas the petitioner and

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co-accused Rahul inflicted injuries on hand and foot of the victim with sharp edged weapon with an intention to kill him. On seeing the complainant and other persons, the assailants fled away from the spot on a motorcycle while extending threats to kill. The injured was rushed to the hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 15.04.2023. The co-accused were also arrested. The investigation has since been completed. The petitioner had moved applications for grant of regular bail before the learned trial Court which had been dismissed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injury which was opined to be dangerous in nature had not been attributed to him but to the co-accused Aman. He is in custody since 15.04.2023. The trial is likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is argued that the petition may be allowed.

4. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have caused injuries to the victim Parveen on 03.04.2023. The injury as sustained by him was opined to be dangerous to life. The petitioner is in custody since 15.04.2023. The trial is likely to take time. His further detention is not going to serve any useful purpose. It is well settled proposition of law that bail is

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the rule and jail is an exception. Keeping in view the period of his incarceration and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to the petitioner’s furnishing personal as well as surety bonds to the satisfaction of learned trial Court and further subject to the condition that he will not try to contact the complainant-victim or any other material witness of the case during the course of trial and also shall not extend any threat to them and shall also not visit the vicinity wherein the complainant and the victim reside.

03.07.2024
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(MANISHA BATRA)
JUDGE

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