



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

CRM-M-29691-2024

Date of decision : 05.07.2024

Lavish @ Lucky

.....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court by way of present petition praying for grant of regular bail in case FIR No.178 dated 01.08.2023, under Sections 148, 149, 323, 325, 307, 506 of the Indian Penal Code and Section 25-54-59 of Arms Act (added later on), registered at Police Station Radaur, District Yamuna Nagar, Haryana.

As per the facts of the case, Krishna i.e. complainant deposed before the investigating agencies that on the date of occurrence his brother, Mohit, was coming to his home. When he reached at Namdev Chowk then Lucky (petitioner) son of Gaurav along with other accused came there with their friends who were duly armed with sticks and swords. They attacked his brother with the weapons they were holding and caused serious injuries and when he raised alarm, he was also threatened to be killed by them. After causing injuries to his brother Mohit, they run away from the spot. Request was made to take legal action against the culprits. On the basis of the complaint, FIR was lodged, injured was medico-legally examined and during investigation, petitioner was arrested on 07.08.2023. Petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar, Jagadhri,



Haryana praying for grant of regular bail. However, after hearing both the sides, learned Additional Sessions Judge, Yamuna Nagar, Jagadhri declined the same vide his order dated 30.05.2024. Hence, being aggrieved petitioner is before this Court praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that complainant is the brother of the injured who claimed himself to be the eye-witness however, he never intervened during the scuffle and thus, has not suffered any injury which is improbable story. He further submits that there is no specific injury attributed to the petitioner. It is submitted that in all 08 accused have been named in the FIR, out of which, 03 accused have been granted bail by this Court. He further submits that the role attributed to the petitioner is not different from the co-accused who has been enlarged on bail. It is submitted that even otherwise, petitioner is 19 years old boy having no criminal antecedents. The investigation has already been completed. Thus, in the overall facts and circumstances of the case, petitioner deserves to be granted regular bail.

Per contra, learned State counsel has submitted that petitioner is specifically named in the FIR and was duly armed. He submits that all the accused have caused injuries to the brother of the complainant who is eye-witnesses. It is submitted that the challan has been presented, charges have been framed and out of 17 prosecution witnesses, 01 witness has been examined. He further submits that as per instructions, petitioner is not involved in any other case except the present case.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that present FIR was lodged on the statement of the complainant who is brother of the injured. Petitioner allegedly along with

co-accused have caused injuries to his brother Mohit who suffered injuries however, there is no specific injury attributed to the petitioner. Three of the co-accused have been granted bail by this Court. There is nothing on record to show that petitioner has any criminal antecedents. As submitted before this Court, investigation already stands completed and out of 17 prosecution witnesses, 01 witness has already been examined.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.07.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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