



CRM-M-30264-2024

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

CRM-M-30264-2024
Decided on : 04.07.2024

Shankar Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. V.D.Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.44 dated 08.03.2024 under Sections 148, 149, 323, 324, 325, 326, 427, 506 IPC registered at Police Station Pillu Khera District Jind.

2. Learned counsel for the petitioner submits that after the registration of the FIR in question, which has been annexed as Annexure P-1, petitioner was granted the extraordinary concession of anticipatory bail by the trial Court on 02.04.2024 vide Annexure P-2. Subsequently, offence under Section 326 IPC was added, as a result of which, the petitioner was re-arrested on 30.05.2024.

Learned counsel has drawn the attention of this Court to the allegations levelled in the FIR and has contended that though the



petitioner was stated to be armed with a danda (stick), however, he had been attributed simple injury on the left leg of the complainant and not any injury inviting the mischief of Section 326 IPC, which in fact had been attributed to a co-accused. Learned counsel has further submitted that in the aforementioned facts and circumstances, more so, when he had already been granted the concession of anticipatory bail by the trial Court and it was also a matter of record that after being granted the concession of anticipatory bail, the petitioner had not misused the said concession, his further incarceration in the present case would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner had indeed been extended the concession of anticipatory bail vide order dated 02.04.2024 (Annexure P-2). Learned State counsel, on further instructions has submitted that the complainant had suffered grievous injuries including a fracture at the hands of the accused though the petitioner had been attributed simple injury with a stick on the left leg of the complainant.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Undisputedly, the injury attracting the mischief of Section 326 IPC has not been attributed to the petitioner coupled with the fact that he did not misuse the concession of anticipatory bail granted by



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the trial Court vide order dated 02.04.2024. The petitioner has been in custody since 30.05.2024 coupled with the fact that the investigation in the case in hand is complete as challan stands presented.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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

04.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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