

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:083384



208

CRM-M-30651-2024

Date of Decision : July 05, 2024

MOHIT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. At the very outset, learned counsel for the petitioner submits that inadvertently, the power of attorney signed in his favour by co-accused-Shalu, has been filed in the instant petition, whereas, the instant petition has been preferred on behalf of petitioner-Mohit. He further submits that the day when he filed this petition, he had duly executed power of attorney in his favour by petitioner-Mohit, and requests to take on record the said power of attorney today.

2. Asked for request is allowed.

3. The validly executed power of attorney by petitioner-Mohit, is ordered to be taken on record.

4. The Registry is directed to place the same at an appropriate place in the case file.

5. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.663 dated

23.11.2023, under Sections 148, 149, 323, 324 and 506 IPC (Section 326 IPC added later on), registered at Police Station Sector 32-33, Karnal.

6. The case of the prosecution as culled out from order of the learned Additional Sessions Judge, Karnal while declining the regular bail to the petitioner reads as under:-

“In brief, the prosecution case is that on 21.11.2023 police received information that Vansh Rana son of Aman Rana had been admitted in Amritdhara Hospital, Karnal on account of injuries sustained in a fight. Upon this, Investigating Officer reached Amritdhara Hospital Karnal and obtained the opinion of doctor who declared the injured Vansh Rana as unfit for making statement on 22.11.2023. On 23.11.2023, the doctor declared the injured as fit for making statement. In this regard, complainant alleged that he is the resident of Village Aripur, PS Gnaraunda, District Karnal and have been studying mechanical at ITI for four months. At about 04:40 pm, when he was inside ITI, there was a girl who knew him but he did not know her. She started telling him that two boys namely Aman and Sintu alongwith their eight friends were searching him and about hurting him so she advised him to go from there. On whose request, he reached at the gate of ITI at about 05:30 pm. There were 7/8 boys after which he came to know the names of the boys as Aman and Sintu. Aman and Sintu asked him are you Vansh. As soon as, he said yes, Aman took out a knife from his pants with his hand attacked him and stabbed on the right shoulder. The companions of the assailants also beatings with dandas, punches and slaps. The assailants ran away alongwith their weapons and threatened to kill him upon getting an opportunity. A prayer was made to take necessary action against the culprits. On the basis of said application and the MLR of injured Vansh, the present FIR was registered under Section 148, 149, 323, 324, 506 IPC.”

7. A perusal of the above reflects that the injury which invited the penal provisions of Section 326 IPC, is not attributed to the petitioner.

8. Learned counsel for the petitioner in the asking for the relief (supra), submits that the petitioner has clean antecedents, and has suffered incarceration of more than 3 months as on today. He further submits that the co-accused, to whom the main injury is attributed, has already been arrested and the weapon of offence has been recovered from him. He further submits that a co-accused namely Shalu, has already been granted regular by this Court vide order dated 30.05.2024, in CRM-M-27024-2024.

9. *Per contra*, the learned State counsel opposes the grant of relief sought by the petitioner, and has filed a custody certificate qua the petitioner, which is taken on record. The custody certificate makes revelation that the petitioner has suffered incarceration of 3 month and 14 days, and he is not involved in any other case.

10. He further informs this Court that the main injury, which attracted the provisions of Section 326 IPC, is infact attributed to one Aman, and he has already been arrested and the weapon of offence has been recovered from him.

11. He further informs this Court, on instructions imparted to him by the official concerned, that after completion of investigation, the final report was presented on dated 16.5.2024, but the charges are yet to be framed, and out of the total 11 prosecution witnesses cited by the prosecution in the final report, none has been examined so far.

12. In view of the above said fact that the trial is yet to begin,

and the petitioner has suffered incarceration of 3 months and 14 days as on today, and the grievous injury, which attracted the provisions of Section 326 IPC, is not attributed to the petitioner, coupled with the fact that one co-accused-Shalu, has been extended the relief of regular bail vide order (*supra*), this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed.**

13. 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.

14. 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.

July 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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