

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35205-2023 (O&M)

Date of Decision: 10.01.2024

Sheel Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Pranshul Dhull, Advocate and
Ms. Shrdha Aneja, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)**CRM-54401-2023**

1. Learned counsel for the applicant/petitioner wishes to withdraw the present application.

2. Dismissed as withdrawn.

CRM-M-35205-2023

1. Reply by way of an affidavit of Deputy Superintendent of Police Rohtak has been filed on behalf of the respondent-State and the same is taken on record.

2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.262 dated 31.08.2022 registered under Sections 323, 324, 326, 506 of IPC at Police Station PGIMS, Rohtak.

3. The FIR in the present case was registered on the basis of the statement made by Rakesh Kumar s/o of Pale Ram and the same has been reproduced below:-

“Statement of Rakesh Kumar S/o Pale Ram resident of village Chajpur, District Panipat PH7015209937, 8570801283 stated that I am resident of above said address and I am practicing as wrestling in Mehar Singh Akhada in Dev Colony Rohtak. On 30.08.2022 I called Sheel Kumar S/o Mahender R/o Village Chappar, District Jhajjar and asked him that Sheel Bhai, I had given a sum of Rupees One Lakh on loan and wanted the return of the same and he took a loan from me 5000020000100050001500 without any interest due to friendship. Sheel asked me come to Rathi P.G. Dev Colony to settle the account and I reached in Rathi P.G. Dev Colony at about 02:15 PM and Sheel Kumar was in his room and he called me in his room and I entered and after seeing me Sheel suddenly stood on his bed and said that now you tell me what you were saying and I asked him to return my Rs.1 Lakh; he took out the knife in his hand which he had hidden in the back and with the the intention to kill me, struck it on the left side of my neck and gave a second blow on my left side of my shoulder on my arm and gave a third blow of he knife on my chest towards the heart side upon which Vicky (Anil) S/o Balbir Village Bharan District Rohtak intervened and Sheel taking the benefit ran away from the spot alongwith his knife and while running he was saying that today you have been saved and in case he came in this site again, then he would eliminate me and ran away. At that point of time a known boy Vikram S/o Jainarayan village Pathroli District Jhajjar dropped me to my room, from where my friends took me to Vidaan Hospital Rohtak and I was referred to PGIMS Rohtak and it is requested that legal action be taken against Sheel. Statement has been made and has been read and which is correct. Sd/- Rakesh 9050752297.”

4. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to some money dispute between the parties. Initially, the petitioner was granted the concession of anticipatory bail. However, at a later stage, the X-ray report was received and the offence

under Section 326 IPC was ordered to be added in the present case on 19.05.2023 and the petitioner is continuing in custody since then. Learned counsel further contends that in the present case, the final report under Section 173 Cr.P.C. has already been presented on 29.05.2023 and even charge has not been framed so far. He further contends that since the trial has not even formally commenced against the petitioner, the conclusion of the trial may take quite a long time. Apart from that, the injured has already been discharged from the hospital and the injured is hale and hearty.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and the injury No.3 suffered by the injured- Rakesh has been declared to be grievous in nature.

6. I have heard the learned counsel for the parties and perused the record.

7. The petitioner was arrested in the present case on 19.05.2023 and is in custody for the last about 8 months. No other criminal case was ever registered against the present petitioner. Apart from that, the final report under Section 173 Cr.P.C. has already been presented against the present petitioner and further custody of the petitioner will not serve any meaningful purpose.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

10.01.2024

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No