

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

227

CRM-M-36878-2024

Date of Decision : **August 22, 2024**

VISHAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jyoti Chahal, Advocate with
Mr. Ravi Kumar, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, who has clean antecedents and suffered incarceration of about 3 months, has approached this Court by filing the instant petition under Section 439 Cr.P.C. with a prayer for grant of regular bail in case FIR No.599 dated 26.11.2022, Under Sections 148, 149, 201, 323, 324, 427, 506, 326 (added later on) of IPC, registered at Police Station University Kurukshetra, District Kurukshetra.

2. The complainant-Aman Kundu set the prosecution agency into motion on 26.11.2022 by making a complaint, wherein, he has stated that on 25.11.2022 at about 9.00 p.m. when he was present near third gate of Kurukshetra University, Kurukshetra, he was attacked upon by 8/10 persons by gandasis, swords and lathis. It is the positive case of the prosecution that the present petitioner attacked upon the arm of the complainant with sword, which had hit the complainant's right hand and due to which the complainant

has suffered cut on his finger. The co-accused Vartiya also attacked upon the friend of complainant, namely, Ankit in order to teach him a lesson, for getting into an altercation with Sahil Mann, Sumit Chandana and Sandeep. The other persons accompanying the aforesaid accused also broke the windshields of the car of the complainant. While leaving from the spot, they also extended death threat to the complainant.

3. It further transpired from the instant FIR is that complainant-Aman Kundu has suffered as many as 8 injuries in the said incident, out of which 6 were caused by sharp edged weapon and 4 injuries were declared to be grievous in nature. The complainant has infact suffered two fractures in the right index finger, one fracture in the orbit of his left eye and right middle finger. Further-more one Ankit, who is also accompanying the complainant has suffered as many as 14 injuries in the present occurrence.

4. Learned counsel for the petitioner in the asking for the relief (supra) submits that the petitioner has suffered incarceration of more than 3 months and 14 days as on today. She further submits that though the allegations against him are that the petitioner has caused sword injury on the hand of the complainant, however, these allegations are yet to be established by the prosecution by leading cogent evidence before the learned trial Court concerned. She also submits that the injuries attributed to the present petitioner are on non-vital part of the injured/victim. Finally, she submits that all the offences under which the petitioner is facing trial are triable by the learned Judicial Magistrate 1st Class concerned.

5. On the other hand, the learned State counsel while placing on record the custody certificate *qua* the petitioner and reply

dated 13.8.2024 by way of affidavit of Ashok Kumar, HPS, DSP, HQ, Kurukshetra today in the Court, the same are taken on record and submits that the petitioner was infact absconding from the clutches of law and he was finally arrested at Airport on dated 6.5.2024. He further submits that a specific injury was attributed to the petitioner and, therefore, he does not deserve the relief of regular bail. He also informs this Court on instructions imparted to him by ASI Rishipal that in the presence case the final report has been filed on dated 11.6.2024 and the charges were framed on dated 12.8.2024 and out of total 11 cited prosecution witnesses in the final report , none has been examined so far.

6. Be that as it may, considering the fact that the petitioner has clean antecedents, as he is not involved in any other case and he has suffered incarceration of 3 months and 14 days as on today and all the offences are triable by the learned Judicial Magistrate 1st Class concerned, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. 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 and further with the condition that in case in future the petitioner is found in similar cases, the State is at liberty to make an appropriate motion for seeking cancellation of bail granted by this Court and further the petitioner shall deposit his passport with the learned trial Court concerned and will not leave country without prior permission of the learned trial Court concerned.



8. 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.

August 22, 2024
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(KULDEEP TIWARI)
JUDGE

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