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

**CRM-42068-2024 in/and
CRM-M-38884-2024
Date of Decision: 22.10.2024**

Boby alias Kundan Lal

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. B.S.Beniwal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)**CRM-42068-2024**

1. Application is allowed as prayed for. Annexures A-1 to A-10 are taken on record.

CRM-M-38884-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.23 dated 01.02.2023 registered under Sections 148, 149, 324, 367 of IPC (under Sections 148, 149 of IPC were deleted and Sections 323, 326, 307, 34 of IPC were added later on), at Police Station Ding, District Sirsa.

2. Learned counsel for the petitioner contends that the occurrence in the present case had taken place on 23.01.2023, but the FIR has been registered on 01.02.2023 after a long delay of 9 days. Even as per the statement of the complainant, Ravinder, injured was attacked by the assailants with knives and



swords. However, during the course of investigation, the police has planted the recovery of a wooden stick on the petitioner. Learned counsel further contends that the petitioner was arrested in the present case on 07.12.2023 and the injured has already been discharged long ago. Learned counsel further contends that even injury No.1 suffered by Ravinder was declared to be grievous in nature, whereas all the injuries were collectively declared to be dangerous to life and the offence under Section 307 IPC has been wrongly invoked against the petitioner. As per learned counsel, no witness, out of total 18 witnesses, has been examined so far and the conclusion of the trial may take quite a long time. The petitioner was arrested on 07.12.2023 and is in custody since then. The petitioner was never involved in any other criminal activity.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. The petitioner is stated to be in custody for the last more than 10 months. The final report under Section 173 Cr.P.C. has been presented against the petitioner and no witness, out of total 18 witnesses, has been examined so far. Thus, no purpose will be served by keeping the petitioner behind bars.

6. 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.

22.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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