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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39147-2024
Date of decision : 21.08.2024

Kuldeep Singh
.....Petitioner

versus

State of Haryana
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rishi Lal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.478 dated 25.05.2023, under Sections 148, 149, 323, 452 and 506 IPC (Section 307 IPC added later on), registered at Police Station Samalkha, District Panipat.

Brief facts of the case are that the complaint was lodged by the complainant, namely, Sumit wherein it was alleged that on 21.05.2023 at about 11:00 pm, the accused, namely, Manoj and the petitioner in an inebriated condition approached their house and they started abusing them. It was alleged that they gave brick blow on the head of Amit, i.e., the brother of the complainant. He was taken to the hospital, where he was medically examined and injury No.2 was declared to be dangerous to life. Request was made to take the legal action against the accused and FIR was registered. On registration of FIR, the investigation commenced. The petitioner was arrested on 26.06.2023. The petitioner approached the Court of Learned Additional Sessions Judge, Panipat praying for grant of bail, however, the same was declined after hearing both the sides by Ld. Additional Sessions Judge, Panipat vide order



dated 02.12.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He submits that the alleged occurrence had taken place on 21.05.2023 whereas the FIR was registered on 25.05.2023 with an unexplained delay of 04 days. He submits that initially the FIR was lodged for the offence under Sections 148, 149, 323, 452 and 506 IPC, however, later on offence under Section 307 IPC was added. He further submits that both the parties are from the same village and they are having some rivalry and hence the petitioner and his family members are falsely implicated in the present case. He submits that the petitioner is behind bars from the date of his arrest i.e. 26.06.2023 and the investigation is complete. He also submits that though the petitioner has been prosecuted in one more FIR, however, he has already undergone the sentence awarded in that case and in the overall facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions from ASI Sanjeev, has submitted that the present case has been registered on the basis of eye-witness account wherein the petitioner has been attributed a specific role as he had given a brick blow to injured Amit and as per medical report the same was declared dangerous to life. He has submitted that in all there are 05 accused, however, only petitioner has been arrested and rest of the 04 accused are yet to be arrested. He submits that challan has already been presented qua the petitioner and now the case is fixed for framing of the charges. The petitioner is behind bars since 26.06.2023. He submits that as per the custody certificate, the petitioner has undergone the sentence awarded in another case.



Heard. On hearing counsel for the parties and perusing the record, it is apparent that the alleged occurrence had taken place on 21.05.2023 whereas the FIR was registered on 25.05.2023. The petitioner was arrested on 26.06.2023 and since then he is behind bars. Investigation qua the petitioner is already stands completed. As the co-accused are not arrested, the same could not be a ground for declining bail to the petitioner, once he has already undergone sufficient period.

The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.08.2024
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(RAJESH BHARDWAJ)
JUDGE

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