

2024:PHHC:155985



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-46156-2024 and
CRM-46157-2024 in/and
CRM-M-39840-2024 (O&M)
Date of Decision:- 26.11.2024

Prince ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Sharma, Advocate, for the petitioner.
Mr. Munish Sharma, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
569	13.12.2023	Taraori, District Karnal	279, 307, 323, 324, 336, 506, 34 IPC (Section 307 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

CRM-46156-2024

In view of the reasons mentioned in the application, the same is
allowed as prayed for.

**CRM-46157-2024**

In view of the reasons mentioned in the application, the same is allowed and the matter is preponed from 21.01.2025 and is taken on Board today itself.

CRM-M-39840-2024

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of complainant Kamal wherein it is alleged that on 13.12.2023 at about 8:00 pm when he was returning home, then two persons came there on a motorcycle at a high speed and hit against him and resultantly he fell on the ground. It is alleged that one of the two boys gave slaps and fist blows to him while the other stabbed him with a 'knife' in his abdomen. However, some of the persons standing nearby were able to catch hold of one of them, who later disclosed his name as Gaurav. The name of the other boy was disclosed as Prince. The complainant specifically stated therein that he had been stabbed by a tall boy Gaurav who was caught at the spot.
3. Learned counsel for the petitioner submitted that even if all the allegations as levelled in the FIR are taken to be correct, it is the co-accused Gaurav who was caught at the spot who is alleged to have stabbed the complainant and that the petitioner neither was carrying any weapon nor had inflicted any grievous injury and is attributed



slap and fist blows only and in any case was not even caught at the spot.

4. Learned counsel further submits that even if the allegations are read as a whole at best it would be a case of road rage, but the petitioner cannot be attributed any *mens rea* with regard to inflicting of any grievous injury and that the incident had taken place in a spur of the moment. It has further been submitted that the petitioner in any case has been behind bars since the last more than 11 months and is not involved in any other case.
5. Opposing the petition, learned State counsel submitted that since, the petitioner is specifically named in the FIR and was accompanying the co-accused who stabbed the complainant and had also shown some aggression by giving slaps and fist blows to the complainant, his complicity is clearly evident. The custody period of 11 months and the factum of clean antecedents are not disputed by learned State counsel.
6. This Court has considered rival submissions addressed before this Court.
7. Having regard to the aforestated facts and circumstances wherefrom this Court finds that the petitioner has been behind bars for a substantial period of more than 11 months and is not the main accused and otherwise enjoys a clean record, further detention of petitioner would not be justified. The petition, as such, is accepted and the



petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No