



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-42759-2024(O&M)
Date of Decision: 13.12.2024

BHAGAT

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Devender Kumar, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case arising out of FIR No.256 dated 12.04.2024 under Section 323, 324, 307, 341, 506, 34 of IPC (Section 120-B of IPC and Section 25 of Arms Act added later on) at Police Station Ballabhgarh City, District Faridabad.
2. The aforementioned FIR was registered on the basis of written complaint lodged by the complainant - Akash on the allegations that on 11.04.2024, the accused Shubhnesh and the petitioner had opened an attack upon him by striking blows with Stick (Danda) and Poker (Sua), when he along with his friend Bunty was going towards his house and had caused injuries. The motive attributed to them was that some dispute had taken place between them previously and the complainant had reported the matter



to the police. The petitioner was arrested on 13.04.2024. He suffered disclosure statement admitting his involvement in the subject crime. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he is in custody since 13.04.2024. The trial is likely to take time. He has been falsely implicated in this case. The injuries attributed to him have been opined to be simple in nature. The co-accused Himanshu @ Aryan has been extended benefit of bail. On parity, he too deserves to be extended benefit of bail. With these broad submission, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. Learned Additional Advocate General, Haryana has argued that there are serious allegations against the petitioner who had stabbed in the abdomen and waist of the victim Akash twice along with the co-accused had caused injuries to him which were declared dangerous to life. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have opened an assault upon the victim and caused injuries to him. One of such injuries was declared to be dangerous to life. However, investigation has been concluded and challan has been presented. Trial is likely to take time



since no witness has been examined so far. The injury attributed to the victim has not been declared to be dangerous to life rather it has been declared to be simple in nature. The trial will take time to conclude. No gain would be served by keeping the petitioner in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception.

7. Keeping in view the above said facts, this Court is of the considered opinion that petitioner deserves to be extended benefit of bail. Accordingly, the petition is allowed and the petitioner is allowed to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

13.12.2024
Deepak Patwal

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No