

2024:PHHC:130822



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-44318 of 2024 (O&M)
Date of Decision: 01.10.2024

Rakesh Kumar		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Rupinder Kaur Thind, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

CRM 39292 of 2024

1. Allowed as prayed for, subject to all just exceptions.
2. Annexure P-3 is taken on record.

CRM M-44318 of 2024

1. The petitioner has filed the instant petition under Section 483 of BNSS with a prayer to grant a regular bail in case FIR No.0035 dated 29.01.2024 registered under Sections 307, 323, 324, 34 and 506 of IPC at Police Station Ellenabad.

2. Learned counsel for the petitioner contends that as per the version of the prosecution, the petitioner had allegedly caused injury with a knife on the back of the neck of the complainant. Thereafter, the injuries were caused by the other accused. She further contends that the even the report with regard to the offence under Section 307 IPC was manipulated by the prosecution. The injured in the present case has already been discharged from the hospital. She further contends that the petitioner was arrested in the present case on 06.05.2024 and is in custody for the last 04 months. After completion of investigation, the final report under Section 173 Cr.P.C. has already been presented before the Court. However, the prosecution has not been able to examine even a single witness and further incarceration of the petitioner would not serve any purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was specifically named in the FIR and he alongwith his co-accused had caused serious injuries on the person of the complainant. She further admits that the petitioner is first offender.

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

5. The petitioner was arrested in the present case on 06.05.2024 and after completion of the investigation, the final report

under Section 173 Cr.P.C. has already been presented before the competent Court. Apart from that, the petitioner is a first offender and there is no material on record to indicate that the petitioner is in a position to tamper with the prosecution evidence. Thus, further custody of the petitioner will not serve any meaningful purpose and the petition is liable to be allowed by this Court.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

01.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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