



263

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45107-2024
Date of decision:-10.12.2024

RAMPHAL
STATE OF HARYANA

Versus

... Petitioner
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Aditya Sanghi, Advocate for the petitioner.
Mr.Ramender Singh Chauhan, AAG, Haryana.
Mr. S.S.Gill, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of affidavit dated 09.12.2024 of Deputy Superintendent of Police, Narwana, District Jind the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of regular bail in the following case (Annexure P-2) :-

FIR No.	Dated	Sections	Police Station
391	01.10.2023	148, 149, 323, 325,341, 506, 307 IPC	City Narwana, District Jind

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and

is in custody since 08.06.2024. He submits that as per the allegations in the FIR no specific overt act is attributed to the petitioner and even no specific injury is attributed to him. Although he is alleged to have given stick blow. He submits that the petitioner is not having any criminal antecedents and the challan has already been presented by the Police after conclusion of the investigation, as such prayed for grant of bail to the petitioner.

5. *On the other hand*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have opposed the bail petition by arguing that the petitioner being member of unlawful assembly, armed with stick had caused injury on the person of the victim. They fairly submit that although no specific injury is attributed to the petitioner but collectively the injuries sustained by the victim have been found to be dangerous to life. Presentation of challan has also been admitted wherein 26 witnesses have been cited by the prosecution but none of them have been examined till date.

6. After considering the rival contentions and perusing the record, it is observed that instant FIR (Annexure P-2) was originally registered under Section 148, 149, 323, 341 and 506 IPC against the petitioner and other co-accused, however later on the offences under Section 307 and 325 IPC were added therein. The perusal of record would reveal that although the name of the petitioner find mention in the FIR but no specific overt act has been attributed to him. Even as per reply submitted by the State recovery of stick has only been effected from him. No specific injury is attributed to the petitioner and he is in custody since 08.06.2024, having no other criminal antecedents. After completion of investigation, challan has already been



presented in Court wherein prosecution has cited 26 witnesses but till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

10.12.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |