



CRM-M-48496-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
227 CRM-M-48496-2024
Date of decision: 6th November, 2024

Harsh Sharma

...Petitioner

Versus

Union Territory of Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Dilshad S. Gill, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 117 dated 29.05.2024 registered under Sections 448 and 324 of IPC, 1860 (307 of IPC added later on) at Police Station Sector 36, Chandigarh.

2. As per the prosecution case, the aforementioned FIR was registered on the basis of statement got recorded by the complainant Sandeep Singh alleging therein that he along with his family members was residing as a tenant in House No. 3087, Sector 35-D, Chandigarh. On 27.05.2024 at about 6:30PM, he was present in his house when the door-bell rang and on opening the door, he found the petitioner to be standing there while carrying a knife. The petitioner proclaimed that he had come to kill him. Hearing so, the complainant was scared and bolted the mesh-door of the house. However, the petitioner broke open the same and entered inside



his house. Thereafter, he started assaulting him with his knife. The wife of the complainant rushed for his rescue on hearing the alarm raised by her and pushed the petitioner. Thereafter, he fled away by showing knife to his wife. He informed the police and had been taken to General Medical College and Hospital, Sector 32, Chandigarh and then to Healing Hospital, Chandigarh. He alleged that about 1¼ year back also, the petitioner had come to his house and had assaulted him and even at that time, matter was reported to the police but father of the petitioner had apologized and the matter was got compromised. On the basis of his statement, initially a case under Sections 324 and 448 of IPC was registered. Investigation proceedings were initiated. On receiving of the medical report and opinion of doctor, offence under Section 307 of IPC was added later on. The petitioner was arrested on 29.05.2024. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay in lodging of the FIR, which has not been explained. No injury as sustained by the complainant is opined to be dangerous to life. The medico legal report has been obtained after a gap of three months. No case for commission of offence under Section 307 of IPC has been made out against petitioner. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State and it is submitted therein and learned State counsel has argued that keeping in view



the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The complainant is alleged to have sustained seven injuries on his person, one of which has been opined to be grievous in nature and the rest as simple ones. The petitioner is in custody since 29.05.2024. Investigation has since been completed. Trial is yet to be commenced and is likely to take time. The petitioner has no criminal antecedents. No useful purpose would be served by keeping him in custody. It is well settled proposition of law that the bail is a rule and jail is an exception. Keeping in view the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

6th November, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No