

2024:PHHC:157861



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-48938-2024 (O&M)

Date of decision: 28.11.2024

Sachin**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 380 dated 21.10.2023, registered under Sections 323, 341, 307, 506, 34 of IPC and Section 25 of the Arms Act (Section 325 of IPC added later on) at Police Station Badhra, District Charkhi Dadri.
2. Adumbrated facts as emanating from the record are that on 20.10.2023, the petitioner along with co-accused had intercepted the complainant while he along with his sister Roshni was coming on his scooter and had opened an assault upon him. One of the youths, accompanying the petitioner, had fired a shot with some fire arm upon the complainant, thereby hitting his abdomen, whereas the petitioner had struck a blow with an axe on his head but as the victim managed to ward off the blow, his left hand got injured. The petitioner had been arrested on 17.01.2024 and presently he along with co-accused is facing trial for commission of aforementioned offences.

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3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. There is delay of one day in reporting the matter to the police. The injury attributed to him was not opined to be grievous and had been sustained by the victim on non-vital part of his body. No fire arm injury has been attributed to him. He is in custody since 17.01.2024. His custodial interrogation is no more required. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Co-accused, who have been summoned on allowing an application under Section 319 of Cr.P.C., have been granted concession of pre-arrest bail. On the ground of parity too, he deserves to be granted benefit of regular bail. Hence, it is urged that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the allegations against the petitioner are serious in nature as he along with co-accused had wrongfully restrained the complainant, assaulted him with dangerous weapons and had caused simple as well as grievous injuries to him. The victim had also sustained fire arm injury, though at the hands of co-accused. There are chances of the petitioner's absconding or intimidating the witnesses, if released on bail. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

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6. The petitioner along with co-accused is alleged to have wrongfully restrained the victim on 20.10.2023 and is further alleged to have caused injuries to him. The victim had also sustained fire arm injuries. However, the same were not attributed to the petitioner. Trial has commenced and is likely to take time. There is no basis for the contention that the petitioner may abscond or intimidate the witnesses, if extended benefit of bail. He is in custody since 17.01.2024. No useful purpose would be served by keeping him in custody anymore. It is well settled law that the bail is rule and jail is an exception. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that the petitioner is entitled to get benefit of regular bail.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No