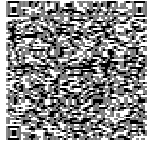


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

226

CRM-M-49540-2024 (O&M)
Date of decision: 27.11.2024

Goldy **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

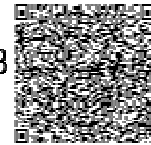
Present:- Mr. Sandeep Singh Jattan, Advocate
for the applicant-petitioner.

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. 30 dated 04.02.2024 registered under Sections 323, 324, 506 and 326 read with Section 34 of IPC, 1860 at Police Station Chhapar, District Yamuna Nagar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint filed by the complainant Vijay alleging therein that on 29.01.2024, while he was on way back to his house, he stopped near the local liquor vend of his village to eat eggs, when the present petitioner, who was present there and was accompanied by accused Rakesh, Rohit, Sahil and 7-8 other youths, whose names the complainant did not know, started hurling abuses to the complainant. All of them were under the influence of liquor and then they opened an attack upon the complainant. Accused Rohit struck a

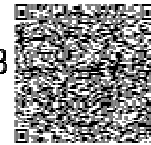
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blow with rod on his left hand, accused Rakesh with a sharp edged weapon hit his left leg and the accused Kalu gave fist blows on his head, face and left eye. The others also hit him and caused injuries him. He raised alarm and then fell down after becoming unconscious. The assailants then fled away. The complainant alleged that he had been discharged from the hospital only on 01.02.2024 and was not in a position to report the matter to the police. Initially, a case under Sections 148, 323, 326 and 506 read with Section 149 of IPC was registered. Subsequently, offences under Section 326 read with Section 34 of IPC were added, whereas offences under Sections 148 and 149 of IPC were deleted. The petitioner was arrested on 27.04.2024. Other co-accused were also arrested. Investigation has since been completed. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Yamuna Nagar but the same had been dismissed, vide order dated 25.09.2024.

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 unexplained delay of 05 days in registration of the FIR. No motive has been attributed to the petitioner. He had no enmity with the complainant. No identification parade was conducted by the police to connect the petitioner with the subject crime. Offence under Section 326 of IPC had been added by the police after a gap of 80 days. Investigation has since been completed and challan has been presented before the Court on 08.06.2024. However, till date, no prosecution witness has been examined, which shows that the trial is likely to take time. Co-accused Sahil and Rakesh Kumar have

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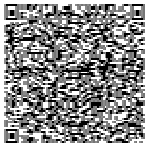
already been granted concession of regular bail by this Court. Hence, on the grounds of parity too, the petitioner deserves to be released on bail. The petitioner does not have any criminal antecedents. His custodial interrogation is no more required. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is submitted therein and learned State counsel has argued that there are serious allegations against the petitioner as he, in furtherance of the common intention of the co-accused, had caused injuries to the complainant with a sword like weapon. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner along with the co-accused is alleged to have caused injuries to the victim. One of the injuries which was on the head of the victim had been declared to be grievous in nature. Although this injury has been attributed to the petitioner but it is not disputed that offence under Section 326 of IPC had been added after a period of 80 days and there was delay of 05 days in registration of the FIR. The subject offences are triable by the Magistrate. As mentioned above, two co-accused have already been granted concession of regular bail by this Court. The conclusion of trial is likely to take time. It is well settled proposition of law that bail is the rule and jail is an exception. The petitioner is in custody since 27.04.2024. He is not shown to be involved in any other criminal case. Therefore, keeping in view

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the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

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.

27.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>