

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-62441-2023

Date of decision: 19.01.2024

Kapil @ Athassi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aazam Khan, Advocate
for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (3rd) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.385 dated 04.06.2022 under Sections 323, 324, 452, 506, 307, 34 of the IPC and Sections 25-54-59 of the Arms Act, 1959 registered at Police Station Rohtak City.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 08.06.2022 for having allegedly inflicted injuries on the person of injured Chirag with the butt of a country made pistol. While drawing the attention of this court to the allegations levelled in the FIR in question, it has been further submitted that the injury inviting the mischief of Section 307 of the IPC had not been attributed to the petitioner but to co-accused Neeraj who was allegedly armed with a knife. It has been still further submitted that all the material witnesses including the injured have been examined, however, 07 prosecution witnesses still remain to be examined and the

next date fixed before the Trial Court is 15.03.2024 when some prosecution witnesses have been summoned to depose. A prayer has, therefore, been made to enlarge the petitioner on bail as there could be no possibility of the petitioner trying to tamper with evidence or even influence the witnesses to depose in his favour.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI ASI Achal, has not disputed that all the material witnesses including the injured stand examined. She has also not disputed that the petitioner was armed with a butt and the injuries which had been opined to be dangerous to life had not been attributed to him but to co-accused Neeraj who was armed with a knife. She has also not disputed the status of the trial.

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

5. In the facts and circumstances as enumerated hereinabove, since all the material witnesses stand examined including the injured coupled with the fact that the petitioner has not been attributed injuries dangerous to life, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the

concession of bail granted to him, the State would be at liberty to seek
cancellation of the same.

19.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No