

**107+212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:056464
CRM-17506-2024 in/and
CRM-M-62321-2023
Date of Decision: April 25, 2024**

Ankush

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jay Prakash Jangu, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Satpal Bhasin, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

CRM-17506-2024

This is an application moved by the petitioner to place on record the copy of FIR No.59 dated 10.02.2019, under Sections 323, 34 and 506 of IPC, registered at Police Station Rejendra Park, District Gurugram as Annexure P-6; copy of the MLR dated 14.09.2012 as Anneuxre P-7 and the medical opinion dated 20.09.2023 as Annexure P-8.

Allowed.

Annexures P-6 to P-8 are taken on record.

Main case

Power of attorney has been filed on behalf of the complainant.

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.262 dated 15.09.2023, under Sections 147, 148, 323, 325 and 506 of IPC (Sections 326, 120-B and 201 IPC added later on), registered at Police Statoin Rajendra Part, District Gurugram.

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2. As per the allegations, on 14.09.2023, a TATA Safari being driven by the petitioner came from behind and hit the motorcycle of complainant - Deepak Tyagi. Petitioner alongwith 5-6 persons had a quarel with the complainant and caused injuries to him. Petitioner is attributed to have given sword blow on the left leg of complainant - Deepak Tyagi.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated because at the time of alleged occurrence, he was in Delhi, which is apparent from CCTV footage contained in pen drive (Annexure P-2). Learned counsel also contends that even if the allegations are taken at its face value, the only injury attributed to the petitioner is on the left leg of the complainant, which is not the vital part of the body; that petitioner is in custody for the last more than 07 months and that none of the prosecution witness has been examined so far; that the trial may take long time to conclude; and that so he be allowed bail.

4. Learned State counsel as well as the counsel for the complainant have opposed the bail petition.

5. Learned counsel for the complainant submits that the complainant is being threatened and has not been examined so far.

6. However, on instruction from ASI Baljinder Singh, it has been informed by learned State counsel that statement of the complainant and other witnesses have not been examined, because a supplement challan has been filed by the police. Thus, charges are to be framed again and *de novo* trial is likely to take place. Petitioner is in custody for the last 07 months and 01 day. He has no other criminal case pending against him. The injury

attributed to him was caused on a non-vital part of the body of the complainant.

Considering all the aforesaid facts and circumstances, no purpose shall be served by keeping the petitioner detained. So, without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 25, 2024
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No