



243 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-5362-2025

Date of Decision: 04.02.2025

Ajay Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. B.S.Mamli, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.144 dated 22.07.2024 registered under Sections 115, 351(2) of BNS, 2023 (Sections 110 and 3(6) of BNS added later on), at Police Station City Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner contends that it is a case of version and cross version and the question of aggressor is yet to be adjudicated by the trial Court. He further contends that the petitioner is in possession of videography, which clearly shows that the complainant party in the present case was the real aggressor. Even Mahinder Singh, father of the petitioner had suffered serious injuries on his person and remained hospitalized for several days. Learned counsel for the petitioner has relied upon the order dated 22.01.2025 (Annexure P-3) passed by this Court, whereby similarly placed co-accused, namely, Vijay Kumar has been granted the concession of bail by this Court. Learned counsel further contends that as per the allegations levelled in

the FIR, the petitioner was carrying an iron rod and had allegedly caused an injury on the head of Suraj Bhan, injured and the injured has already been discharged from the hospital. He further contends that the petitioner was arrested in the present case on 29.07.2024 and is in custody for the last more than 06 months.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. It is not in dispute that similarly placed co-accused, Vijay Kumar has already been granted the concession of bail by this Court, vide order dated 20.01.2025 (Annexure P-3). The petitioner was arrested on 29.07.2024 and is in custody for the last more than 06 months. The final report under Section 173 Cr.P.C. has already been presented against him. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

04.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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