



232

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

CRM-M-17340-2025**Date of Decision:26.05.2025**

Sajid

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present : Mr. Balraj Gujjar, Advocate, for the petitioner.****Mr. Rajiv Sidhu, DAG, Haryana.**

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the third petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.815 dated 30.10.2022 registered under Sections 323, 34, 506 of IPC (later added Sections 302/307 of IPC), at Police Station Sector-58, Faridabad, District Faridabad.

2. Learned counsel for the petitioner contends that in the present case, even though, the petitioner has been named in the FIR as one of the assailants, but no specific injury has been attributed to him. As per the complainant, Aabid had caused injury with an iron rod on the head of Kamil, (since deceased) and the said injury proved fatal for him. Learned counsel further contends that at the later stage, the prosecution tried to improve the version by alleging that the petitioner had also caused an injury with a lathi on the head of Kamil. However, from the perusal of the Post Mortem Report, it is apparent that there was only one injury on the head of Kamil (since deceased) and the other two injuries could have been suffered due to fall on the ground. Learned counsel

further contends that the petitioner was arrested in the present case on 04.11.2022 and is in custody for the last more than 02 years and 07 months. He further contends that the complainant has already been examined by the prosecution in the present case and since the material witnesses have been examined, the petitioner is not in a position to influence the witnesses of the prosecution.

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. However, he admits that there is no other case against the petitioner and he is a first offender.

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

5. In the present case, the petitioner is stated to be in custody since last 02 years and 07 months. The material witnesses have been examined. Moreover, in the initial version, the complainant had not attributed any specific injury to him and a general allegation was levelled that the petitioner had caused an injury with a danda on the person of Kamil (since deceased).

6. At this stage, 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.

(N.S.SHEKHAWAT)
JUDGE

26.05.2025
hemlata

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