

206

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 45758-2024
Date of decision:-18.01.2025

SUSHIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ankit Gautam, Advocate, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 17.01.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
178	27.03.2024	308, 148, 149, 323, 325, and 506 IPC (308 IPC was deleted and 307 IPC was added later on)	Industrial Sector-29, Panipat District Panipat.

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on



account of party faction. He contends that although the petitioner has been named in the FIR but no specific over act has been attributed to the petitioner. He submits that version of the prosecution does not amply corroborate from the medical version which has been got conducted from private hospital and in the MLR no specific injury has been mentioned which could be dangerous to life and how it has been so mentioned. He submits that the petitioner is in custody since 05.04.2024 having no other criminal case against him, challan has already been presented in Court and disposal of the trial will take sufficing long time. Hence he prays for grant of regular bail to the petitioner.

5. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the injuries sustained by the victim have been found to be dangerous to life, hence petitioner is not entitled to concession of bail. However, he admitted that after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 21 witnesses and till date none of them have been examined. He has also admitted the factum that the petitioner is not having any criminal antecedents.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against the petitioner alongwith Aman, Anshu, Manoj, Lala and 6-7 unknown persons on the allegations of having attacked Sonu and Neer with lathi, dandas and bricks on 25.03.2024. Admittedly the perusal of MLR annexed with the reply by the State would reveal that no specific injury has been mentioned which



to the opinion of the Doctor is dangerous to life, however a generalized opinion regarding the injuries being dangerous is mentioned therein. Even no specific overt act is attributed to the petitioner in the reply filed by the State.

The petitioner is in custody since 05.04.2024, after completion of investigation, challan has already been presented in Court wherein prosecution has cited 21 witnesses and till date none of them have been examined. Petitioner is not having any other criminal antecedents, the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.01.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |