

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

323

CRM-M-37888-2025

Date of decision: 25th July, 2025

Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nihul Pratap Singh, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed by the petitioner seeking grant of regular bail in case bearing FIR No. 446 dated 26.10.2022 registered under Sections 148, 149, 323, 324 and 506 of IPC (Section 307 of IPC and Section 25 of Arms Act added later on) at Police Station Chand Hut, District Palwal. The first petition as filed by him has been dismissed as withdrawn.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Ravinder, alleging that on the night of 25.10.2022, he along with his cousin Raj Kumar and one Lakhan was going towards his house, while on the way, the petitioner accompanied by the co-accused intercepted them and opened an attack upon them. The petitioner and co-accused Shamsher were carrying knives and they struck blows with the same on the person of Raj Kumar. They tried to save him but were restrained by co-accused Shivraj and Shamsher and thereafter, the assailant fled from the spot. The injured Raj Kumar had been rushed to



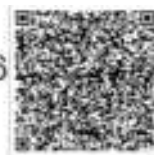
hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested subsequently and has been in custody since 28.03.2023. Investigation now stands completed. He along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to inimical relations between his family and the family of the complainant and only with intent to pressurize his mother and himself to withdraw the FIRs already lodged against the complainant and his family members. There was inordinate delay in seeking medical opinion regarding the nature of the injuries sustained by the victim. No injury on vital part of the body of the victim had been sustained. The ingredients for commission of offence punishable under Section 307 of IPC have not been attributed at all. Trial is going on at a snail's pace, since only four witnesses have been examined so far. His further incarceration would not serve any useful purpose. The co-accused Shivraj has been extended benefit of bail. On parity, he too deserves to be given the same benefit. It is, therefore, urged that he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record copy of custody certificate of the petitioner and has submitted that he is a habitual offender. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is, argued that he does not deserve to be released on bail.

6. I have heard learned counsel for the parties at considerable



length and have gone through the record carefully.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have caused injuries to the victim Raj Kumar. The injury so sustained had been opined to be dangerous to life. The petitioner has been in custody since 28.03.2023. The victim has since been examined and therefore, there are no chances of petitioner's intimidating him. The petitioner is stated to have been acquitted in two of the cases registered against him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Keeping in view the above discussed facts, I am of the considered opinion that a case is made out of release the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

10. This order shall come into force from the time it is uploaded on this Court's official webpage.

[MANISHA BATRA]
JUDGE

25th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*