

CRM-M-39085-2018

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

CRM-M-39085-2018

Date of Decision: 15.10.2018

Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.410 dated 26.05.2017, registered at Police Station Sector 7, Faridabad, under Sections 147, 148, 323, 364, 325 and 307 of the Indian Penal Code and Section 25 of the Arms Act, 1959.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that in the present case, there are allegations regarding causing injuries by all the accused. In the FIR, neither any specific injury has been attributed to the present petitioner, nor there is mention regarding any specific weapon, he was having with

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him. The doctor has given the opinion that injuries No.2 and 9 on the person of complainant cannot be ruled as 'dangerous'.

There is no other eye-witness of the case. Only complainant/injured is the main witness, who has already been declared proclaimed offender in a cross-version case. It is a case of version and cross-version and it is yet to be determined by the trial Court on the basis of evidence as to who is the aggressor party. Out of 16 prosecution witnesses, 05 have already been examined. The petitioner has been in custody since 29.04.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case may take a long time especially when the injured/complainant is not appearing in the Court as a witness and has already been declared proclaimed offender in another case. Therefore, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

15.10.2018

parveen kumar

Whether speaking/reasoned

Whether reportable

:

:

(INDERJIT SINGH)

JUDGE

Yes

No