

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

CRM-M No.1494 of 2019 (O&M)

Date of Decision: 22.04.2019

Vikash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhishek Yadav, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.0248 dated 03.10.2017 (**P-1**), under Sections 147, 148, 294, 323, 324, 326, 341, 452, 506 of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, 2000, registered at Police Station Uklana, District Hissar.

The case of the prosecution is that on 02.10.2017 at about 07:30 PM, petitioner-Vikash along with other co-accused, after forming unlawful assembly and in prosecution of its common object, caused simple as well as grievous injuries to the complainant party with a threat to kill them after committing the house trespass.

Contents that petitioner is in custody since 22.11.2018; charges were framed on 06.04.2019 and now the case is fixed for prosecution evidence for 04.05.2019. Further contends that there are total 12 prosecution witnesses and as such, trial will take a long time for its final adjudication.

The above factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Mall Singh. Further acknowledged that the injury, attributed to the petitioner, has been declared as simple in nature and he is in custody for last more than five months. Also acknowledged that there is no other criminal case pending against the petitioner. Main accused-Robin, who has been attributed the *Gandasi* injury, is stated to be in custody.

Heard both sides and perused the paper-book.

Keeping in view the facts that petitioner has been attributed simple injury; he is in custody since 22.11.2018; main accused i.e. Robin is in custody; no other criminal case is pending against the petitioner and trial is likely to take a long time for its conclusion, therefore, no purpose would be served by keeping the petitioner behind the bars any more. Consequently, this Court is left with no option except to release the petitioner on bail forthwith. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

However, it is clarified that petitioner shall fully co-operate with learned trial Court and will not seek any unnecessary adjournments.

April 22, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>