

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

**CRM-M No. 44515 of 2019
Date of Decision:-23.10.2019**

Nardeep @ Manish @ Ganja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Lalit Kumar, Advocate
for the petitioner.

Mr. Nischal Mann, DAG Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Nardeep @ Manish @ Ganja has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.285 dated 01.8.2019, under Sections 148, 149, 323, 506 IPC (Section 379-B IPC added later on), registered at Police Station Sadar Dadri, District Charkhi Dadri. The petitioner is in custody since his arrest on 18.8.2019.

As per prosecution case, on 31.7.2019 at about 9:00/10:00 p.m., the complainant alongwith his cousin brother Somesh was watering their fields. In the meantime, accused Naveen s/o Virender alongwith 8-10

other persons, armed with lathi and dandas came there and suddenly attacked both of them and caused severe injuries. Due to that, complainant and Somesh became unconscious. After some time, Kuldeep s/o Man Singh came to the spot and shifted them to Kanshi Ram Hospital Dadri and from there they were referred to General Hospital, Dadri. After causing injuries to complainant and Somesh, the assailants also took away the mobile phone of Somesh. With the aforesaid allegations, the FIR in question was lodged.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been falsely implicated. No recovery is to be effected from the petitioner. He further contends that after completion of investigation, challan in the case has been presented on 15.10.2019 and charges are yet to be framed. He submits that the trial is yet to start and it will take sufficient time to conclude. He prays that the petitioner be released on regular bail pending trial.

On the other hand, learned State counsel, who is assisted by ASI Tufan Singh opposed the prayer on the ground that the petitioner alongwith other co-accused persons caused injuries to the complainant and Somesh. However, it is not disputed that the challan has been filed before the trial Court on 15.10.2019 and charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Duty Magistrate, Charkhi Dadri.

The petition is allowed.

October 23, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No