

234

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

CRM-M-44989 of 2019

Date of decision: November 28, 2019

Gaurav and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aman Pal, Advocate for the petitioners.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioners, in FIR No.278 dated 30.06.2019, under Sections 307, 341, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 3(1)(r)(s)/3(2)(v)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Thanesar, District Kurukshetra.

As per prosecution case, petitioners along with others caused injuries to the brother of the complainant with an intention to kill him.

Contends that both the petitioners are in custody since 25.07.2019 and 26.07.2019 respectively. Also contends that occurrence had taken place on 27.06.2019, whereas, the present FIR was registered on 30.06.2019; thus, there is a delay of 3 days in lodging the FIR.

Further contends that even two material witnesses, namely Joginder

Singh-complainant as well as Jai Surrender-injured are not supporting the prosecution case.

The above factual position is duly acknowledged by the learned State counsel, on instructions from ASI Rajesh Kumar.

Heard both sides and perused the paper-book.

There are total 18 prosecution witnesses, but only two have been examined. Even both the material witnesses are not supporting the prosecution case; rather specifically stated that petitioners did not cause injuries to injured-Jai Surrender; therefore, their further incarceration would not serve any purpose.

In view of the above, this petition is allowed. Petitioners are ordered to be released on bail, in this case, on their furnishing adequate 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.

The petitioners shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

November 28, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No