

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

**CRM-M No.44650 of 2019 (O&M)
Date of Decision: 24.10.2019**

Mohammad Shahid

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pulkit Dagar, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.40 dated 24.01.2019, under Sections 323, 307 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Kundli, Sonipat.

Contentends that petitioner is a labourer, working in a Factory and the occurrence has occurred on account of some altercation between both sides and even the petitioner side also suffered injuries, but the same has not been registered by the police. Also contends that petitioner is in custody since 22.01.2019 and after investigation, challan has been presented on 23.03.2019. Further contends that charges were framed on 17.05.2019 and out of total 13 prosecution witnesses, only 05 have been examined. It is also the contention that there is no other criminal case pending against the

petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Davinder, but opposed the bail.

Heard both sides and perused the paper-book.

It transpires that both sides are poor labourers working in a Factory and the fight had taken place on account of some altercation. Thus, both sides are totally ignorant about the consequences of the brawl. The trial will take a long time, therefore, further incarceration of the petitioner would not serve any purpose. Consequently, 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.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

October 24, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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