

202-1

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

CRM-M-38 of 2020

Date of decision: June 01, 2020

Sunder @ Surrender and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Siwach, Advocate for the petitioners.

Ms. Tanisha Peshawaria, 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.150 dated 14.08.2019, under Sections 147, 148, 149, 323, 324, 326, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bass, District Hisar.

As per prosecution case, on 14.08.2019, during mid-night at about 12:15 A.M., complainant-Satyawan Singh along with one Yudhveer had gone to irrigate their fields and waiting for their turn; but Lilu son of Mahabir denied to release the water. On account of the altercation, complainant was surrounded by the accused party and both the petitioners were also allegedly present there having sticks in their hands, but there is no specific injury attributed to them.

Contentends that both the petitioners are in custody since 06.11.2019 and after investigation in the matter, challan has already been presented and even the charges were framed on 29.11.2019. Also contends

that during investigation, nothing incriminating was recovered from the petitioners. Further contends that there is no other criminal case pending against the petitioners.

The above factual position is duly acknowledged by the learned State counsel, on instructions from Sub Inspector Surjeet.

Heard both sides and perused the paper-book.

As both the petitioners are in custody since 06.11.2019, neither any incriminating material was recovered from them during investigation; nor any specific injury has been attributed to either of the petitioners. Moreover, charges were framed on 29.11.2019 and trial is pending for 06.06.2020, but taking into consideration the present situation, trial is not likely to be concluded in near future. Consequently, in the opinion of this Court, further incarceration of the petitioners 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

June 01, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No