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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1738-2020

Date of decision-22.01.2020

Prince Chauhan @ Kala

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

Mr. Rajwant Singh Chahal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Prince Chauhan @ Kala has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.15 dated 17.01.2019 registered under Sections 307, 323, 324, 325, 326, 201, 341, 506 and 148 read with Section 149 of Indian Penal Code, 1860 at Police Station Mullana, Ambala, District Ambala. The petitioner is in custody since his arrest on 14.05.2019.

The FIR in the present case was registered on the statement of complainant Ketan Sharma son of Sant Ram Sharma, wherein it was alleged that Pooja (wife of petitioner) had borrowed some money from his father and on non-payment of money, his father had filed a case against her. When

the complainant, his mother and father were returning to home after attending hearing of the case in a Figo car, accused Sherpal and petitioner reached there on scooty and parked their scooty in front of the car and dragged his father from the car. Sherpal gave a gandasi blow on the forehead of his father-Sant Ram Sharma (victim) and Prince @ Kala (petitioner) gave a gandasi blow on the back side of the head of the victim. When the complainant and his mother raised alarm, the accused fled away from the spot with their respective weapons. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the complainant has been examined as a witness before the Court whose examination-in-chief is complete, therefore, the petitioner deserves the concession of regular bail who is in custody for the last about eight months. He has further invited the attention of the Court to Annexure P-3 in respect of co-accused who has already been extended the concession of regular bail by this Court.

On the other hand, learned State counsel assisted by ASI Gian Chand opposed the prayer. However, it is not disputed by him that the examination-in-chief of the complainant is complete. He has apprised the Court that out of total 14 prosecution witnesses, only 02 witnesses have been examined so far. The case is fixed for 15.04.2020 before the trial Court for examination of the remaining witnesses.

Learned counsel appearing on behalf of the complainant opposed the prayer and contends that the occurrence took place when the complainant and others were returning after attending the hearing in a case

between the same parties and accused persons caused injuries whereupon the present FIR was registered.

After hearing learned counsel for the parties, this Court is of the opinion that since the complainant stands examined and the other witnesses are yet to be examined who are 12 in number, therefore, trial is likely to consume considerable time and no useful purpose would be served by keeping the petitioner behind the bars. Resultantly, 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.01.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No