

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-11144 of 2020(O&M)
Date of Decision: 11.06.2020

Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Kumar Lathwal, Advocate,
for the applicant-petitioner.

Mr. Deepak Sabharwal, Addl. A.G. Haryana

ANIL KSHETARPAL, J.

CRM-11707 of 2020

Allowed as prayed for.

Annexures P-6 to P-14 are taken on record.

MAIN

Present petition has been filed by the petitioner, namely, Rinku, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 202, dated 15.06.2019, registered under Sections 148/149/323/324/506 IPC (Section 307 IPC added later on), at Police Station Murthal, District Sonipat (Haryana).

In a nutshell, the case of the prosecution is that the petitioner along with his co-accused attacked first informant and his brother. The petitioner was armed with a knife in his hand and had stabbed the first informant in his stomach.

Initially, the petitioner was arrested on 15.06.2019, the same day when the FIR was registered. The FIR was registered under Sections

148/149/323/324/506 IPC. Learned Judicial Magistrate granted the concession of bail to the petitioner vide order dated 24.06.2019. Thereafter, the prosecution added an offence under Section 307 IPC and the petitioner was re-arrested on 09.09.2019. Since, then the petitioner is in custody.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner also received injury in the scuffle. He further submits that the prosecuting agency has completed the investigations. He further submits that the co-accused of the petitioner Naveen has been granted concession of pre-arrest bail.

On the other hand, learned counsel for the State has opposed the prayer for grant of bail by submitting that one injury suffered by the first informant has been declared dangerous to life.

This court has considered the submissions.

The prosecution intends to examine 22 witnesses on its behalf, however, till date none has been examined. The petitioner is in custody for a period of more than 10 months after he was re-arrested on 09.09.2019. Conclusion of the trial is likely to take some time.

Learned counsel for the State has admitted that the petitioner does not have criminal antecedents.

Keeping in view the facts of the case, this Court is of the considered view that further incarceration of the petitioner, at this stage shall not be justified.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for a period of more than 10

months after he was re-arrested on 09.09.2019 and conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

June 11, 2020
“nt”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No