

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51671-2019

Date of Decision: 20.01.2020

Sanjay

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sudhir Rana, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.548 dated 14.09.2015, registered under Sections 148, 149, 323, 324, 326, 506 and 307 IPC, at Police Station Assandh, Karnal, District Karnal. He is in custody since 16.08.2019.

The FIR in the present case was registered on the statement of complainant Surinder @ Rinku, wherein it was alleged that on 14.09.2015 at about 4:00 a.m., when complainant and Ashok Kumar were on a morning walk and they reached near National Public School via Dera Gama Road, Amandeep @ Ganja armed with sword, Rohit along with 8-9 boys armed with kassi, bindas and dandas were sitting along the road side. On seeing them, Amandeep @ Ganja, was having a sword in his hand and Rohit, who was having danda in his hand, came towards them. Amandeep @ Ganja gave two sword blows on the head of Ashok Kumar, whereas Rohit tried to hit danda on his head, which hit the fingers of his left hand. Ashok Kumar fell down on the road. Amandeep, Rohit and their accomplices, inflicted injuries on his waist, hands and legs. When they raised noise, accused fled

away from the spot with their respective weapons. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the concession of regular bail was extended to the petitioner by the trial Court vide order dated 29.02.2016 and subsequently, he absented from the trial Court proceedings on 11.03.2016 and on 19.07.2016, he was declared as proclaimed offender. It is pointed out that the petitioner is in custody since 16.08.2019 and the trial will take sufficient long time, therefore, further custody of the petitioner may not be necessary. He further submits that the co-accused have already been released on regular bail by the trial Court.

On the other hand, learned State counsel assisted by SI Balwant has opposed the prayer, however, she does not dispute the fact that the petitioner was previously on bail. She fairly states that the petitioner had surrendered before the trial Court on 16.08.2019.

After hearing learned counsel for the parties, this Court finds that the charges have been framed and keeping in view the fact that the trial of the case is likely to consume considerable time, further custody of the petitioner is not necessary. 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 Karnal.

The petition is allowed.

20.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No