

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

**CRM-M-52237-2019
Decided on : 20.05.2020**

Surender @ Bhula

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Pradeep Chhoker, Advocate
for the petitioner(s).

Mr. Anmol Malik, DAG, Haryana
assisted by Inspector Virender.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through vide conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 159, dated 05.05.2019, under Sections 323, 324, 307 of IPC, registered at Police Station Madlauda, District Panipat.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been behind bars since 06th May, 2019, has been falsely implicated in the FIR in question. It has been urged that the false implication of the petitioner is evident from the fact that the FIR was registered after a delay of 14 days of the alleged occurrence despite the complainant having been declared fit to make a statement on the very next day of the alleged occurrence.

Learned State counsel on the other hand while opposing the prayer for grant of regular bail, has not been able to controvert the

submissions made by the counsel for the petitioner about the unexplained delay of 14 days in lodging the FIR in question as well as the factum of the complainant having been declared fit to make statement on the very next day of the alleged occurrence. He has submitted that there are serious allegations against the petitioner of inflicting injury with a knife on the chest of the complainant in an inebriated condition.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 06th May, 2019. As per learned State counsel only 04 prosecution witnesses, including the complainant, out of the 11 prosecution witnesses cited have been examined till date. Hence, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2020

J.Ram

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