

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

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**CRM-10862-2021 in/and
CRM-M-1700-2021.
Date of Decision: 07.04.2021.**

Kundan Kumar

....Applicant/Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Munish Behl, Advocate for applicant/petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-10862-2021

This application under Section 482 Cr.P.C. is for placing on record statements of complainant and his wife as Annexures P/5 and P/6.

Documents Annexures P/5 and P/6 are taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Kundan Kumar** for grant of regular bail in case FIR No.484 dated 03.09.2020 under Sections 323, 324, 452 and 506 IPC (Section 307 IPC added lateron), registered at Police Station Mujesar, District Faridabad.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that material prosecution witnesses namely complainant/injured-Chandan Kumar (PW-2) and his wife/injured-Kanchan Devi (PW-1), when appeared in the witness-box, did not support the prosecution version. He further submits that petitioner is in custody since 26.10.2020 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the records.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 26.10.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court; that testimonies of complainant/injured-Chandan Kumar (PW-2) and his wife/injured-Kanchan Devi (PW-1) have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the

concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Kundan Kumar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Faridabad, as the case may be.

(LALIT BATRA)
JUDGE

07.04.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No