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

**CRM-M-12340-2021 (O&M)
Date of decision-22.03.2021**

Sunil

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anshumaan Dalal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, A.A.G., Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.82 dated 03.06.2020 under Sections 323, 506 and 307 IPC, Police Station Bond Kalan, District Charkhi Dadri.

The allegations contained in the FIR have been noticed by the Additional Sessions Judge, Charkhi Dadri in his order dated 23.10.2020, which reads as under:-

“The allegations of the prosecution are that on 02.06.2020, at about 10.00 am complainant Satish Kumar was doing some work at his home in village Ranila. In the meantime, petitioner-accused Sunil, his wife and brother Anil came there and started given beatings to him. Sunil took out a jelly from his house and gave jelly blows on his chest and thigh. His brother

Anil gave Lathi blows to him. Complainant fell down and raised noises. On hearing his noise, many villagers gathered there and rescued him from the clutches of accused persons. The assailants also threatened him to kill. With the aforesaid allegations, initially FIR under Section 323 and 506 of IPS was registered. During further investigation and on receiving the medical opinion regarding nature of injuries, the offence under Section 307 of IPC was also added in this case.”

Learned counsel for the petitioner contends that initially after registration of the FIR, the petitioner was arrested on 07.06.2020 and was released on bail, but as the offence punishable under Section 307 IPC was added subsequently, therefore, the petitioner was again arrested on 09.09.2020. According to him, the investigation of the case is already complete and his further detention will not be necessary. Learned counsel for the petitioner prays for regular bail.

On other hand, learned State counsel assisted by ASI Vikas has pointed out that the investigation of the case is complete. It is not disputed that the petitioner was again arrested after addition of offence punishable under Section 307 IPC. He on instructions further states that after completion of investigation, the final report was filed and considering the same, the trial Court framed the charges against the accused on 26.10.2020.

After hearing the learned counsel for the parties, this Court finds that though the charges have been framed, but the trial is yet to commence as no prosecution witness has been examined so far. The trial is likely to consume considerable time to conclude, therefore, the further detention of the petitioner behind bars may not be necessary, particularly when there does not seem any possibility of winning over the material witnesses who are either

the injured or the police officials.

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/CJM Charkhi Dadri.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

22.03.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No