

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

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CRM-M-20881-2021.

Date of Decision: 16.11.2021.

Arun Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sanpreet Sandhu, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Arun** in case FIR No.544 dated 28.10.2020 under Sections 302, 323, 341 and 506 IPC read with Section 34 IPC, registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted and there is no iota of truth therein. He further urges that petitioner is languishing in custody since 06.11.2020 and he is no more required by the Police for any investigation purpose as after presentation of final report under Section 173 Cr.P.C. (*Challan*), trial has already commenced and during course of trial, material witnesses namely PW-1 Neha (complainant) and PW-2 Sushil @ Surender, brother-in-law of victim-deceased have already been examined and they have not supported the cause of prosecution. He further submits that PW-1 Neha (complainant), wife of victim-deceased (Ajay), when appeared in the witness-box has categorically stated that she did not know who had given

injuries to her husband-Ajay and further specifically stated that accused present in Court did not cause any injury to her husband. He further urges that PW-2 Sushil @ Surender, brother-in-law of victim-deceased, has also resiled from prosecution version and specifically stated that he did not know who had given injuries to Ajay (since deceased) as he was not present at the place of occurrence and further stated that accused present in Court did not cause any injury to Ajay (since deceased). 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 record of the case.

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 languishing in custody since 06.11.2020; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation final report as envisaged under Section 173 Cr.P.C. (*Challan*) has already been presented in Court; that material witnesses namely PW-1 Neha (complainant) and PW-2 Sushil @ Surender have already been examined 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

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

(LALIT BATRA)
JUDGE

16.11.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No