

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

212

CRM-M-23245-2021.

Date of Decision: 30.06.2021

Akash @ Mulla

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Manoj Pundir, Advocate for petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Mr. Vikas Bishnoi Godara, Advocate for respondent No.2-complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- Akash @ Mulla in case F.I.R. No.469 dated 18.08.2020 under Sections 148, 323, 324, 341 and 506 IPC read with Section 149 IPC [offence under Section 307 IPC was deleted and offence under Section 326 IPC and Sections 3(1) (r) and 3(2) (va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on], registered at Police Station City Karnal, District Karnal.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that alleged injury on the person of injured - Rishi caused by means of blunt weapon attributed to petitioner,

said injury has been declared simple in nature. He further urges that

co-accused namely Rahul @ Khajla and Rakesh have already been granted bail by this Court, vide orders dated 25.05.2021 passed in CRM-M-40862-2020 and CRM-M-19619-2021 respectively. He further submits that petitioner is in custody since 25.09.2020 and he is no more required by the Police for any investigation purpose. He further urges that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court, wherein offence under Section 307 IPC has been deleted, however, offence under Section 326 IPC and Sections 3(1) (r) and 3(2) (va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been incorporated. He further urges 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. However, learned counsel for respondent No.2 - complainant has not opposed the bail application.

I have heard learned counsel for the parties.

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 25.09.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that co-accused namely Rahul @ Khajla and Rakesh have already been granted bail by this Court, vide orders

dated 25.05.2021 passed in CRM-M-40862-2020 and CRM-M-19619-2021 respectively; that challan has already been presented in Court and since consequent 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- Akash @ Mulla 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, Karnal, as the case may be.

(LALIT BATRA)
JUDGE

30.06.2021

d.gulati

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No