

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.25261 of 2021
Date of Decision: November 16, 2021

Pawan @ Bhandari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sanchit Punia, Advocate,
for the petitioner.

Mr.Surender Singh, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.834 dated 03.12.2020, under Sections 147, 149, 323, 341, 506, 325, 326, 34 IPC, 1860, registered at Police Station, Hisar Sadar, District Hisar (charge framed under Sections 341, 323, 325, 326, 506, 34 IPC), who is in custody since his arrest on 23.12.2020.

The above FIR was registered on the statement of Nagender, who stated that on 02.12.2020 at about 9.00/9.30 p.m., when he and his younger brother Surender were connecting water to their fields, then 6-7 persons came on three motorcycles at once, who were armed with gandasi and dandas and on coming near, three were identified as Arvind armed with danda, Pawan Bhandari armed with gandasi and Sunil armed with gandasi and other were having wooden dandas and on arrival, they attacked the complainant and his brother Surender. Pawan Bhandari, who was having

gandasi in his hand, inflicted blow on his head and then Arvind gave danda blow on his left arm and Sunil caused gandasi blow on the face of his younger brother Surender. Thereafter, the abovesaid accused along with 3-4 other persons encircled them and started beating them. Complainant and his brother Surender fell down on the ground. The accused, while going threatened to kill them in future and ran away with their weapons on the motorcycles. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that as per prosecution itself, the injury caused by the petitioner to complainant Nagender was simple in nature. He submits that the investigation of the case is complete and charges have also been framed on 05.04.2021, but the trial is yet to commence. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Rajesh Kumar, while opposing the prayer submitted that the petitioner participated in the crime, who was armed with gandasas. However, it is not disputed that the injury caused by petitioner was found simple. He states that the case is now coming up before the trial court for recording the prosecution evidence on 22.11.2021. Learned State counsel concedes that no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the above background as well as the pace at which the trial is progressing, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. The material witnesses are either the complainant/injured or the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful

purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/Duty Magistrate, Hisar.

November 16, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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