

215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33522-2021
Date of decision :04.10.2021

Sunny @ Raja

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JASGURPREET SINGH PURI

Present: Mr. Shiv Charan Bhola, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana..

(Through Video Conferencing)

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for the grant of regular bail in FIR No.471 dated 10.10.2020, under Sections 323 and 506 of IPC Section 307 IPC & Section 25 Arms Act added later on), registered at Police Station City, Bahadurgarh, District Jhajjar.

The learned counsel for the petitioner has submitted that the allegation against the petitioner was that he had stabbed the complainant in the abdomen with a knife used for cutting the chicken and then gave a blow on the hand of the mother of the complainant with some knife. He submitted in fact it was a case of a version and cross-version and rather the mother of the petitioner had lodged an FIR against the complainant namely Vivek vide Annexure P-2 wherein it was alleged that the aforesaid Vivek had stabbed the petitioner namely Sunny and it was a case of a sudden scuffle, the ingredients of Section 307 were not made out. He further submitted that the aforesaid

the petitioner is already on anticipatory bail. As per the learned counsel for the petitioner so far as the petitioner is concerned, he is in custody for about 1 year i.e. from 22.10.2020 and the investigation of the case is already complete and even charges have been framed. He submitted that since the trial of the case would take long time his incarceration would not be in the interest of justice.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that in both the FIRs challan has already been presented and in the present case even the charges have also been framed. He has further submitted that so far as the custody of the petitioner is concerned, the same is not in dispute and he is in custody from 22.10.2020 and after the investigation of the case challan has been presented and charges have been framed. He has however, opposed the grant of bail on the ground that the matter was serious in nature.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that investigation of the case is already complete and challan has been presented and charges have been framed and it is a case of a version and cross-version and mother of the petitioner lodged the FIR against the complainant of the present case namely Vivek,. The aforesaid Vivek is already on anticipatory bail. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, considering the totality and circumstances of the present case, I deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned Trial Court/Illaqa Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

04.10.2021
rakesh

Whether speaking	Yes/No
Whether reportable:-	Yes/No