

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

211

CRM-M-36834-2021

Decided on : 10.09.2021

Sangeet

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No. 316 dated 15.06.2021 under Section 323, 506, 34 IPC (Sections 326 and 201 IPC added later on) registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that in the present case, it was the complainant who had come to the house of the petitioner and a fight had taken place over there. It has been submitted that the complainant is the brother-in-law of the petitioner and even as per the MLR, which is annexed as Annexure P-3 of the said complainant, it has been mentioned that the smell of alcohol is present in the breath. It has been further submitted that the alleged incident happened on 12.06.2021

and the FIR has been registered after an unexplained delay of 3 days i.e. on 15.06.2021. It has further been argued that the challan in this case has already been presented; there are 9 witnesses out of which none has been examined and thus, the trial is likely to take time and that the petitioner is not involved in any other case.

Learned State counsel has, however, submitted that the petitioner is the main accused and he has caused grievous injuries to the complainant because of which the complainant has lost vision in his right eye permanently. He has thus opposed the bail application. However, the fact that the challan has been presented; there are 9 witnesses and that the petitioner is not involved in any other case has not been disputed by learned State counsel.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 19.06.2021, challan has been presented and there are 9 witnesses out of which none has been examined and the trial of the case is likely to take a long time and also the fact that the petitioner is not involved in any other case and it is the complainant who had come to the house petitioner, moreover there is delay in registering the FIR, this Court finds that the petitioner deserves the concession of bail and thus, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

10.09.2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No