

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

**CRM-43481-2021 in/and
CRM-M-41244-2021
Date of Decision: 16.12.2021**

MUKESH KUMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Mr. Parminder Singh, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

CRM-43481-2021

Prayer in this application is for placing on record Status report dated 01.02.2021 as Annexure P-4.

Notice in the application.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State and Mr. Parminder Singh, Advocate, accepts notice on behalf of the complainant. They state that they have no objection if the status report is taken on record.

In view of the above, the present application is allowed. Status report as Annexure P-4 is taken on record, subject to all just exceptions.

Registry is directed to tag the same at appropriate place.

Application is disposed of.

CRM-M-41244-2021

By this petition, the petitioner is seeking regular bail in case bearing FIR No. 117 dated 13.02.2020 under Sections 323/324/307/506/212 IPC and Section 25 of (Act No.54) of Arms Act, registered at Police Station Sadar Karnal, District Karnal.

Precisely, the allegations against the petitioner are to the effect that on 09.02.2020 at about 2.30-3.00 P.M., Stabir-complainant and others were playing Volleyball in the Government Middle School, Rasulpur Khurd. The petitioner was also playing with them and an altercation took place between the petitioner and the complainant. The petitioner left the spot and after about 10/15 minutes again returned back alongwith Neeraj, Sagar @ Bittu and Ankit. The petitioner was armed with knife, Neeraj caught hold the complainant and the petitioner inflicted knife blow on the back and another knife blow was inflicted near the heart and had punctured the lungs and the knife was twisted. An alarm was raised and the assailants slipped away.

Learned counsel for the petitioner contends that he is in custody for the last 01 year, 09 months and 18 days, not involved in any other case, the co-accused were found innocent and now they have been summoned under Section 319 Cr.P.C. The injured is an Army man, who has resumed the duty and is hail and hearty.

Custody certificate of the petitioner has been placed on record.

Learned State counsel and learned counsel for the complainant have opposed the bail application on the score that though the injured has resumed the duty and presently posted at Pune but he is still under treatment and is not being assigned active duty.

Be that as it may, it is significant to note that the petitioner is in custody for the last 01 year, 09 months and 18 days and not involved in any other case. It is a case of version and cross-version. The petitioner had also sustained injuries in the occurrence. The co-accused were found innocent and now they have been summoned under Section 319 Cr.P.C. The co-accused are stated to have been released on bail. The exercise of recording of the evidence has to begin afresh. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in custody.

In these set of circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, trial Court concerned.

16.12.2021
smriti

(VIVEK PURI)
JUDGE

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