

Ajay @ Aju

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Satbir Gill, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.524 dated 19.08.2019, registered under Sections 323, 324, 341, 34 of IPC, 1860, to which Section 326 IPC was added later on, at Police Station Sirsa City, District Sirsa.

3. Learned counsel contends that the petitioner was not named in the FIR and has been implicated in the instant case solely on the basis of supplementary statement made by the complainant after four months from the date of registration of FIR, no specific injury is attributed to the petitioner, petitioner is in custody since 22.08.2020, challan has been presented, though charges are yet to be framed, trial of the case is likely to take considerable period of time to conclude, therefore, no useful purpose would be served by keeping the petitioner in custody, besides,

the petitioner undertakes to abide by all the terms and conditions which may be imposed while releasing him on bail.

4. Learned DAG, Haryana, on instructions from ASI, Mukesh Kumar, confirms that there is no allegation in the FIR against the petitioner and that the petitioner was implicated in the instant case solely on the basis of supplementary statement of the complainant recorded after four months of the registration of the FIR. Learned DAG, further confirms that no specific injury has been attributed to the petitioner.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, petitioner has not been named in the FIR and has been implicated in the instant case solely on the basis of supplementary statement of the complainant recorded after four months of the registration of the FIR, no specific injury has been attributed to the petitioner, the petitioner is in custody since 22.08.2020, challan has been presented, though charges are yet to be framed, accordingly, trial of the case is likely to take long time to conclude therefore, no useful purpose would be served by keeping the petitioner in custody.

7. Accordingly, in the light of position noted above, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall abide by the conditions contained in

Section 437(3) Cr.P.C. However, it is made clear that in case the petitioner is involved in any other case during the period while he is on bail in the instant case or makes any attempt to tamper with the evidence or to intimidate or influence the witnesses, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. However, nothing stated hereinabove shall be taken as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

12.07.2021

'Rajesh'

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