

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

205

CRM-M-47791-2021

Decided on : 18.11.2021

Sahil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of the Criminal Procedure Code, 1973 for grant of regular bail to the petitioner in FIR No. 756 dated 18.09.2021 under Sections 148, 149, 323, 324, 452, 506 and 201 of the Indian Penal Code registered at Police Station City Karnal.

Learned counsel for the petitioner has submitted that as per the prosecution case, there are two injuries which have been suffered by the injured Rajkaran Singh out of which one injury has been attributed to the petitioner. It is further submitted that both the injuries suffered by the injured are simple in nature. It is submitted that the petitioner has been in custody since 24.09.2021 and the challan has been presented and there are 13 witnesses, out of which none has been examined and thus, the trial is likely to take time moreso in view of the present pandemic situation. He has further submitted that nothing is to be recovered from the petitioner.

Learned State counsel has opposed the present application for regular bail and has submitted that the petitioner is involved in two more cases.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner has been granted bail in both the cases and has relied upon a judgment dated 16.01.2012 passed by the Hon'ble Supreme Court in Criminal Appeal No.159 of 2012 titled as ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and others*** 2012 (2) SCC 382 reference has been made to the relevant portion of paragraph 6 which is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the above said facts and circumstances, moreso, the fact that both the injuries suffered by the injured Rajkaran Singh are simple in nature and only one out of the two is attributed to the petitioner and the present petitioner has been in custody from 24.09.2021 and the challan has been presented in the present case and there are 13 witnesses out of which none has been examined and thus, the trial is likely to take time moreso in view of the present

pandemic situation and also in view of the law laid down in Maulana's (*supra*) case, this Court is of the view that the present petition deserves to be allowed and the petitioner deserves to be released on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

18th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No