

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

CRM-M-50050-2021 (O&M)
Date of Decision:- **3.12.2021**

SUNIL @ KALU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case having FIR No.352 dated 7.9.2020 registered under Sections 326, 324, 323/34 IPC at Police Station City Kaithal, District Kaithal.

Notice of the bail application was issued to the State.

The counsel for the petitioner has submitted that the alleged occurrence took place inside the jail, where petitioner was lodged. It is further contended that prosecution story is highly improbable as the security

guards keep an eye on all the inmates of the jail. It is further contended that even otherwise the petitioner is in custody since 15.10.2020 and the trial is yet to begin. It is further contended that the petitioner is also facing one another criminal case, in which, he has already been granted bail. The counsel for petitioner further made prayer for grant of regular bail in the present case to the petitioner.

The bail application is contested by the State counsel, who submitted that the petitioner and Sumit both of whom were lodged in District Jail Kaithal, attacked one other inmate namely Sanjay @ Sanju and caused grievous injuries to him with the help of '*iron patti*' which was later on got recovered by co-accused Sumit and he prayed for dismissal of the present petition. However, at the same time the State counsel admitted that the petitioner is in custody in the present case since 15.10.2020 and charges are yet to be framed.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner is in custody in the present case for the last more than 1 year and 1 month. Investigation has been completed but the trial is yet to begin. The weapon of crime alleged to be used by the accused persons was stated to be recovered from the co-accused Sumit. The injured has been discharged from the hospital as has been stated by the State counsel.

In view of the above, I am of the view that no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without commenting on the merits of the case, the present petition is

allowed and the petitioner is ordered to be released on regular bail during the pendency of trial subject to his furnishing bail/surety bonds to the satisfaction of Trial Court/Duty Magistrate.

The petitioner is further directed that he should not pressurise the prosecution witnesses and not to leave the country without the prior permission of the trial Court and to appear in the trial Court on each and every date of hearing.

3.12.2021
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No