

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50-2022(O&M)
Date of decision : 24.03.2022

Satish and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present : Mr. S.S.Siao, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-6683-2022

Allowed as prayed for.

Annexure P-8 is taken on record subject to all just exceptions.

CRM-M-50-2022

This is a first petition under Section 439 Cr.P.C. praying for grant of regular bail to the petitioners in FIR no.89 dated 14.04.2020 registered under Sections 148, 149, 323, 324, 326, 452 IPC and Section 3(2) (VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 at Police Station Nissing, District Karnal.

Learned counsel for the petitioners has submitted that even as per the FIR, neither any specific attribution has been made either to the

weapon. It has been submitted that Vikram has been attributed grievous injury and he has already been granted bail by a coordinate Bench of this Court on 09.10.2020 in CRM-M-28136-2020. It has also been submitted that other co-accused have also been granted regular bail. The petitioners are stated to be in custody since 02.10.2021 and challan in the present case has already been presented. It has been stated that both the complainants have turned hostile and there are 17 prosecution witnesses out of which 15 prosecution witnesses are yet to be examined and thus, the trial is likely to take time moroso, in view of the present pandemic.

Learned State counsel has opposed the present petition for regular bail and has submitted that the petitioners are involved in two other cases under the Excise Act but however acquitted in both the said cases.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that no specific injury has been attributed to the petitioners. The grievous injury has been attributed to Vikram who has already been granted bail by a coordinate Bench of this Court vide order dated 09.10.2020 passed in CRM-M-28136-2020. A perusal of order dated 22.11.2021 would show that the complainant Kamal Kumar as well as PW Ravinder have not supported the case of the prosecution. There are 17 prosecution witnesses in all and out of which 15 witnesses are yet to be examined and thus, the trial is likely to take time moroso, in view of the present pandemic. The petitioners have been in custody since 02.10.2021 and thus, the trial is not likely to conclude in the near future.

Keeping in view the above said facts and circumstances, the

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

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 petition.

(VIKAS BAHL)
JUDGE

March 24, 2022
Davinder Kumar

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