

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

CRM-M-2314-2021 (O&M)

Date of decision: 26.05.2022

Satender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Surender Lamba, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

This is the second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 248 dated 16.9.2020 under Sections 148, 149, 332, 333, 342, 427, 353, 379-B, 506 IPC and Section 33/63 of Indian Forest Act, 1927 (Sections 333, 342, 427 IPC and Section 33/63 of Indian Forest Act, 1927 were added later on) registered at Police Station Nangal Chaudhri, District Mahendergarh.

Learned counsel for the petitioner submits that in the present case, no specific injury has been attributed to the petitioner and even as per the MLR, there are only two injuries on the person of the complainant. He further submits that as per the allegations, the complainant has been inflicted injuries with a *danda*; that the petitioner is Sarpanch of the village and has been in custody since 22.09.2020 and that co-accused Satwant has already been enlarged on regular bail by this Court vide order dated 15.11.2021.

Learned counsel for the petitioner submits that complainant-Rajneesh and injured-Chandergupt, posted as Forest Officers, while stepping

into the witness box on 23.05.2022 as PW-2 and PW-3, respectively, failed to recognize the petitioner in the Court and specifically stated that they could not say that the petitioner-accused was the same person, who had caused injuries to them along with other co-accused. Certified copies of the statements of the said witnesses produced in the Court today, are taken on record as Mark-‘A’.

Learned State counsel opposes the prayer for bail. However, he does not dispute the custody period of the petitioner and the fact that complainant and injured while stepping into the witness box failed to recognize the petitioner, who was present in the Court.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.09.2020. The complainant and injured-both are posted as Forest Officers in the Forest Department Haryana. They, while stepping into the witness box, have failed to recognize the petitioner in the Court. Co-accused Satwant has already been granted the concession of regular bail. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

26.05.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No