

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

**CRM-M-5516-2022 (O&M)
Date of decision: 19.04.2022**

Rakesh

..Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jai Vir Yadav, Senior Advocate with
Mr. Tarun Yadav, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 248 dated 07.06.2021, registered under Sections 323, 302, 148 and 149 IPC, (Sections 148, 149, IPC were deleted and Section 34 IPC was added later on), at Police Station City Mahendergarh, District Mahendergarh.

Status report by way of affidavit dated 12.04.2022 of the Additional Superintendent of Police, Mahendergarh, District Mahendergarh, already filed in the Registry, is taken on record.

Learned senior counsel for the petitioner submits that no specific injury has been attributed to the petitioner and all the allegations are vague; that as per the FIR, 10-12 persons attacked upon Pawan (since deceased), Mukesh, Sandeep and Joginder @ Kalu and the complainant; that the petitioner has been in custody since 04.07.2021; that six prosecution witnesses, including injured Sandeep (PW-4), Mukesh (PW-3) and the

complainant (PW-5) have been declared hostile. It is further submitted that the FIR was lodged on 07.06.2021 and the alleged occurrence took place on 06.06.2021 and that no offence under Section 302 IPC is made out, as per the FIR and MLRs.

Learned State counsel, while vehemently opposing the prayer for bail submits that there are specific allegations against the petitioner and the co-accused persons that they have inflicted injuries upon Pawan (since deceased) and the injured persons. However, he does not dispute the custody period of the petitioner and that out of examined six prosecution witnesses, three injured including the complainant have been declared hostile.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.07.2021. Out of examined six prosecution witnesses, three injured including the complainant have been declared hostile. 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

19.04.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No