

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

1. CRM-M-7892-2022
SombirPetitioner

Versus

State of HaryanaRespondent

2. CRM-M-13053-2022
Harsh alias HiteshPetitioner

Versus

State of HaryanaRespondent

Date of decision: - 04.05.2022

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.S. Nain, Advocate
for the petitioner in CRM-M-7892-2022.

Mr. Parveen Sharma, Advocate
for the petitioner in CRM-M-13053-2022.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This order will dispose of two petitions. The first

petition has been filed by Sombir i.e. CRM-M-7892-2022 and the second petition has been filed by Harsh alias Hitesh i.e. CRM-M-13053-2022.

Both the said petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in FIR No.277 dated 11.03.2020, under Sections 148, 149, 186, 307, 323, 324, 332, 353, 201, 506 and 120-B IPC and Section 25-54-59 of the Arms Act, at Police Station City, Sonapat.

Learned counsel for the petitioners has submitted that as per the FIR, petitioner Harsh alias Hitesh has not been named in the FIR and as per the FIR, even petitioner Sombir was called only subsequently, after there was a dispute between the complainant party and the persons who were sitting there and were stopped by the complainant party from having liquor. It is submitted that a perusal of the FIR would show that it was a case of sudden fight. It is further submitted that although, as per the case of the prosecution, there are allegations against the petitioners that they had given stab wounds to the injured Suraj and Ram Chander, but the petitioners have been in custody since 13.03.2020, out of 19 prosecution witnesses, only 4 have been examined and thus, the trial is likely to take time and the petitioners are not involved in any other case and have prayed that they be granted the concession of regular bail primarily keeping in view the period of custody. It is further submitted that Suraj and Ram Chander, who were the persons who had been injured, have already been examined in the present case.

Learned State counsel, on the other hand, has submitted that

both the petitioners have been attributed stab injuries suffered by Suraj and Ram Chander. It is further submitted that there is a third injured also, namely, Ajay.

Learned counsel for the petitioners has submitted that with respect to said Ajay, there is no MLR.

This Court has heard learned counsel for the parties and gone through the paper-book.

Petitioners are stated to be in custody since 13.03.2020 and out of total 14 prosecution witnesses, only 4 have been examined as yet and thus, the trial is likely to take some time and the the petitioners are stated to be not involved in any other case. Although, the petitioners were the persons who have been alleged to have given stab wounds to the injured Suraj and Ram Chander, but keeping in view the period of the custody of the petitioners and also the fact that injured Suraj and Ram Chander have already been examined and even the plea raised by learned counsel for the petitioners that it is a case of sudden fight, which would be a matter to be examined during the course of trial, the present petitions are 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.

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 cases

which are only for the purpose of adjudicating the present bail petitions.

It is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

May 04, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No