

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9190-2022

Date of decision : 28.04.2022

Mandeep @ Deep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Kuldeep Sheoran, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.737 dated 12.10.2020 registered under Sections 147, 149, 332, 353, 186, 224, 379-B and 307 IPC, at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner has submitted that in the present case, although, three persons have been injured but all the said injuries suffered by them are simple and are with blunt weapon and there is no specific attribution against the petitioner. It is further submitted that the petitioner has been in custody since 17.10.2020 and the challan in the present case has been filed and there are as many as 28 witnesses out of which only one witness has been examined, thus the trial is likely to take time. It is further submitted that the petitioner had earlier filed a regular bail petition before this Court which was withdrawn on 10.11.2021 at that stage

Singh has been granted regular bail by this Court vide order dated 21.02.2022 passed in CRM-M-6580-2022 and inspite of lapse of more than 5 months, no progress has taken place in the trial inasmuch as, no witness has been examined after 10.11.2021.

Learned State counsel on the other hand has opposed the present application for regular bail and has submitted that each of the three injured have suffered injuries on the parietal region and although, the said injuries are simple and the same show the intent of the 17 persons who ran away from the observation home. However, he has not disputed the custody period as has been stated by learned counsel for the petitioner.

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

It is not in dispute that the injuries suffered by three injured are all simple in nature and are stated to be caused with a blunt weapon. No specific attribution has been made to the petitioner in the FIR. The petitioner is stated to be in custody since 17.10.2020 and the challan in the present case has already been filed and there are as many as 28 witnesses out of which, only one has been examined and thus, the trial is likely to take time. The first bail petition filed by the petitioner was dismissed as withdrawn on 10.11.2021 at that stage and subsequent to the same, co-accused of the petitioner i.e., Manjeet Singh who is similarly placed as the present petitioner, has been granted regular bail vide order dated 21.02.2022 passed in CRM-M-6580-2022. Moreover, after 10.11.2021, no progress has been made in the trial as no witness has been examined after 10.11.2021, thus the aforesaid facts are substantial subsequent events so as to entitle the petitioner to file a second regular bail petition.

Keeping in view the facts and circumstances, the present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his 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 Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

April 28, 2022
Davinder Kumar

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