

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10734-2022
Date of decision : 21.03.2022

Lovely

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Pankaj Bali, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for granting regular bail to the petitioner in FIR no.548 dated 12.07.2021 registered under Sections 148, 149, 323, 324, 341, 307, 326, 506 IPC at Police Station City Karnal.

Learned counsel for the petitioner has submitted that in the present case there is a delay of more than 21 hours in registration of the FIR and the petitioner has been attributed only one injury on the left thumb which is grievous injury and the petitioner has been in custody since 26.09.2021 and in the present case, challan has already been presented and there are 15 prosecution witnesses and none of them have been examined and thus the trial is likely to take time moreso, in view of the present pandemic.

Learned State counsel on the other hand has opposed the

other cases.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is on bail in all four other cases and the said cases have been registered on the basis of minor disputes between the parties involved therein. He has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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

It is not in dispute that the petitioner has been attributed only one injury on the left thumb which is on non-vital part of the body. There is delay of more than 21 hours in registration of the FIR. The petitioner has been in custody since 26.09.2021 and the challan has already been presented and there are 15 prosecution witnesses and none of them have been examined and thus the trial is likely to take time moreso, in view of the present pandemic.

as in view of the law laid down in *Maulana's* case (supra), the present petition is allowed and the 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 him 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 21, 2022
Davinder Kumar

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