

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

CRM-M-14491-2021

Date of decision : 23.03.2022

Rahul @ Gurvinder

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Neeraj Sheoran, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.572 dated 18.06.2020 under Sections 323, 324 and 341 Indian Penal Code, 1860 (Sections 326, 201 and 34 IPC added later on) registered at Police Station City Panipat, District Panipat, who is in custody since his arrest on 24.12.2020.

The allegations contained in above FIR, as noticed by the learned Sessions Judge, Panipat in the order dated 17.02.2021 are as under:-

“Brief facts of the case relevant for the disposal of this application are that on 18.06.2020, a written complaint was submitted by complainant Shivam at Police Station City, Panipat alleging therein that on the same night, at about 11.00 pm, he alongwith one Lokesh @ Babu was going towards his house on his motor-cycle which was being driven by him and Lokesh was the pillion rider. When they crossed the street of Amit cement, suddenly the applicant-accused alongwith co-accused intercepted them by stopping his Activa vehicle in front of his motorcycle. While addressing Lokesh, he started saying

as to what he was boasting before Jassi resident of Sita Ram Chowk, Tehsil Camp, Panipat on the previous day and while saying so, he took out a knife from the back side of his pant and struck a blow on the left side of the abdomen of Lokesh and fled away with his vehicle. The complainant immediately took Lokesh to the hospital. On this complaint, a case under Sections 323, 324 and 341 of IPC was registered.”

Learned counsel for the petitioner has argued that after commencement of trial, the complainant/injured stands examined and considering the nature of offences, further custody of the petitioner may not be necessary as trial would take considerable time to conclude. He prays for bail.

On the other hand, learned State counsel assisted by SI Dinesh has opposed the prayer, however, he does not dispute this fact that the injured/complainant has been examined. Learned State counsel fairly states that because of breakout of COVID-19, the petitioner was released on parole under the administrative order passed by the State, and the said concession was not misused by him. According to him, still eight prosecution witnesses remain to be examined out of total ten witnesses.

Considering the above background and custody of the petitioner as well as stage of the trial, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as only two prosecution witnesses have been examined so far, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 24.12.2020.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

23.03.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No