

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

**CRM-M-14775-2022 (O&M)
Date of decision: 16.12.2022**

Manish ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Virender Soni, Advocate for the petitioner.

Mr. Randhir Singh, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL).

This is the 2nd bail petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in case FIR No.134, dated 12.07.2019, under Sections 120-B/324/34/341/506 IPC (Section 307 IPC added lateron), registered at Police Station Barauda, District Sonapat.

I have heard counsel for the parties.

FIR came to be registered on the statement of Baljeet S/o Balwan. It was alleged that an altercation had taken place between nephew of the complainant, Satish with Ram Roop a few days back with regard to parking of a bullock cart in the fields.

Occurrence is stated to be of 12.07.2019 when the complainant along with his nephew Satish were coming towards their house, they were accosted by the present petitioner and co-accused, Pardeep. Present petitioner was stated to be armed with a danda as also a knife. Precise attribution is to Manish (present petitioner) having given a danda blow on the head of Satish and thereafter both the petitioner as also co-accused, Pardeep having delivered knife blows in the abdomen of Satish. Further

asserted that slap and fist blows were even given to the complainant.

Learned State counsel has vehemently opposed the prayer for bail by submitting that medical evidence completely corroborates the version set up by the complainant and under such circumstances, prayer for bail ought to be declined.

Petitioner was arrested on 07.10.2019.

During the course of hearing today, counsel for the petitioner has adverted to the zimni orders which would demonstrate that examination-in-chief of the complainant as also injured had been duly recorded and thereafter inspite of more than 3 dates having been fixed for recording of the cross-examination, complainant Baljeet as also injured Satish have not come present.

The first petition filed by the petitioner seeking regular bail i.e. CRM-M-25221-2020 had been disposed of as not pressed on 23.09.2020 with liberty to file a petition afresh after complainant as also the injured have been examined before the trial Court.

Facts as also proceedings before the trial Court indicate that both the complainant as also injured are deliberately not coming before the trial Court for recording of their complete deposition.

Clearly, trial in the present case would take time to conclude.

It is not the case made out on behalf of the State that if the petitioner were to be granted the concession of bail, he would be in a position to hamper the course of a free and fair trial.

Petitioner has already faced incarceration for a period in excess

of 3 years.

In view of the above and without opining on the merits of the case, prayer is allowed.

Petitioner, Manish be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.12.2022
harjeet

(I) Whether speaking/reasoned? Yes/No

(II) Whether reportable? Yes/No