

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.208

CRM-M-12400-2020

Date of decision :7.2.2022

BALWINDER

.....Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms.Sheenu Sura, DAG, Haryana

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.418 dated 28.6.2018, registered under Sections 148, 149, 323, 324, 325, 427, 307, 506, 201 IPC at Police Station Gharaunda, District Karnal.

The petitioner and his co-accused are being prosecuted for having caused injuries to the complainant party, which include an injury by the petitioner on the head of Sultan, which injury has later been declared dangerous to life.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is not involved in any other criminal case; he has suffered actual custody of almost 1 year; the complainant and the injured-Sultan while appearing before the trial Court as prosecution witnesses, have not towed the line of the prosecution; while on interim bail for the last 1½ years, the petitioner has not misused such concession and that further incarceration of the petitioner is not required.

Learned State counsel admits to the period of incarceration of the petitioner; the fact that the petitioner has not misused the concession of interim bail; that the petitioner is not involved in any other criminal case and that the injured and the complainant, while appearing before the trial Court have not towed the prosecution's line but opposes the grant of bail to the petitioner on the ground that there is still enough evidence on record to convict him.

The petitioner has suffered custody of nearly 1 year; there is no other criminal case pending against him; while on interim bail for about 1½ years, he has not misused such concession and that the injured- Sultan and the complainant, while appearing before the trial Court as witnesses for the prosecution, have turned hostile.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Karnal the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

7.2.2022
gsv

[DEEPAK SIBAL]
JUDGE

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