

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

CRM-M-17940-2021 (O&M)

Date of decision: 17.05.2022

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Lalit Kumar Yadav, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 241 dated 15.12.2020, registered under Sections 323, 379, 411, 326, 307, 506 IPC read with Section 34 IPC, Section 25 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Dhand, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that no caste remark was uttered by the petitioner; that no specific injury has been attributed to the petitioner and the recovery of motorcycle, knife and mobile has already been effected from co-accused Deepak Kumar @ Maas; that at one stage, the petitioner has joined the investigation, thereafter, on the opinion of the Doctor, Sections 326 and 307 were added; that the petitioner has been in custody since 12.03.2021 and that the challan has been presented.

The status report filed on behalf of the respondent-State is already on record.

Learned State counsel, while opposing the prayer for bail, submits that the petitioner along with co-accused has inflicted injuries on the face, nose and eyes of the complainant with a sharp edged weapon, thus, the petitioner is not entitled for bail. However, he does not dispute the custody period of the petitioner. He submits that charges have been framed but the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 12.03.2021. No specific injury has been attributed to the petitioner. As per the FIR, there is no allegation against the petitioner regarding utterance of caste remarks qua the complainant, which falls under the SC/ST Act. The prosecution witnesses are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

17.05.2022
Mangal Singh

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