

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18775-2022

Date of decision : 11.05.2022

Akash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Pankaj Mehta, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition filed under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR no.559 dated 11.08.2021 registered under Sections 323, 427, 307, 506, 34 IPC at Police Station City Hansi, District Hisar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 15.10.2021 and there are 18 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. It is further submitted that even as per the allegations levelled in the FIR, there was a sudden fight with the complainant. It is also submitted that the complainant has given an affidavit dated 21.03.2022 to the effect that he has no objection in case the bail is granted to the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that it is the injury which was given by the petitioner with a brick on the head of the complainant

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

The petitioner has been in custody since 15.10.2021 and investigation in the present case is complete and there are 18 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. The petitioner has referred to the affidavit dated 21.03.2022 to show that the said complainant Ritik has stated that he has no objection in case the present petitioner is granted bail. Reference has also been made to the order dated 30.11.2021 vide which bail has been granted to co-accused Vicky @ Vikram and in paragraph 5 of said order, reference has been made to the compromise. A perusal of the FIR would show that the present case is a case of sudden fight and only one injury has been attributed to the present petitioner although, the same is alleged to have been inflicted with a brick on the head of the complainant.

Keeping in view the above said facts and circumstances, 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

May 11, 2022

Davinder Kumar

DAVINDER KUMAR
2022.05.14 11:04
I attest to the accuracy and
authenticity of this order

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No