

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-22163-2021

Date of decision: - 16.05.2022

Aman

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Munish Mittal, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.134 dated 07.04.2020 registered under Sections 148, 149, 188, 323, 324, 326, 307, 506, 216/120-B IPC and Section 25/54/59 of the Arms Act, at Police Station Indri, District Karnal.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 11.04.2020 and the investigation is complete and there are 18 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that no specific injury has been attributed to the petitioner and the

petitioner was stated to be armed with a bamboo stick. It is also submitted that the injury on the head of Sagar, which had been declared as dangerous to life, had been attributed to one Munish @ Minnu and injury on the fingers on account of which there has been permanent privation of three fingers of the hand of the complainant has been attributed to Pardeep. It is further submitted that the petitioner is not involved in any other case.

Learned State counsel as well learned counsel for the complainant, have opposed the present petition for the grant of regular bail and have submitted that the injury on the head of Sagar, which had been attributed to Munish @ Minnu, had been declared as dangerous to life and the injuries on the three fingers of the complainant because of which there has been permanent privation had been attributed to Pardeep and the present petitioner had also participated in the said occurrence, as is apparent from the CCTV footage, which had been produced on record of the record by the prosecution.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 11.04.2020 and the challan has already been presented in this case and there are 18 witnesses, none of whom have been examined, thus, the trial is likely to take time. Further, the petitioner is not involved in any other case. No specific injury has been attributed to the present petitioner and the injury on the head of Sagar, which had been declared as dangerous to life, had been attributed to Munish @ Minnu and the injury on the fingers of the complainant had

been attributed to Pardeep.

Keeping in view the abovesaid 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.

It is however made clear that in case the petitioner influences or threatens any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

However, 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.

May 16, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes