

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 20826 of 2022

Date of Decision: 20.5.2022

Rohtash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.S.Tewatia, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.

2. In FIR bearing No. 342 of 25.5.2021, registered at Police Station Camp Palwal, District Palwal, offences constituted under Sections 323, 427, 506, 148, 149 IPC (Sections 326, 307 IPC added later on), are embodied.

3. The incriminatory role, as assigned to the present petitioner in the FIR (supra), is comprised in the factum of his through user of danda, inflicting life endangering injuries, upon the victim. The petitioner is suffering judicial detention since 02.07.2021. The above period of judicial detention as encumbered, upon the present bail petitioner is a prolonged one, and, may be required to be put an end, through this Court admitting him to regular bail. However, the according of the facility of regular bail to

the present bail petitioner, would be subject to his, during the course of

investigations, ensuring the recovery to the investigating officer concerned, of the danda, which became allegedly used by him, in his inflicting life endangering injuries, upon the person of the victim, and/or, upon the condition of the victim being stable, and/or, his being discharged from hospital.

4. In the above regard the learned counsel, appearing for the victim, on instructions given to him, submits that the victim has been discharged from hospital, and, that his speaking abilities though were temporarily incapacitated, but the afore speaking ability, as, is/are now fully regained, and/or, is under treatment also, and, is hence likely to improve in times to come. Furthermore, he also submits that the condition of the victim-patient both in respect of his physical, and, mental condition rather is completely out of danger.

5. The learned State counsel, on instructions given by the investigating officer concerned, submits, that the bail petitioner, during the course of investigations being made into the FIR (supra), had ensured the effectuation of recovery, at his instance, to the investigating officer concerned, of the danda, which became allegedly used by him in causing life endangering injuries, upon the victim. Moreso, he submits that the investigations are complete, and, that the charges have been framed, and, the case is now listed for prosecution evidence.

6. In view of above, and, also when prosecution, at this stage, has not placed on record any evidence, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, thereupon, this Court does not deem it fit, and, appropriate to prolong the judicial detention

of the present bail petitioner, as, thereupon his personal liberty would become unnecessarily fettered, and, curtailed.

7. Therefore, the instant petition is allowed, and, the petitioner bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is, subject to his furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

8. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

May 20, 2022
Gurpreet

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