

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

CRM-M-22606-2022 (O&M)

Date of decision: 18.10.2022

Akshay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Saurabh Dalal, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 408 dated 18.11.2021, registered under Sections 307, 323, 506 IPC read with Section 34 IPC, at Police Station Asauda, District Jhajjar. Earlier petition was dismissed as withdrawn.

Learned counsel for the petitioner submits that that the petitioner is a student of B.A. final year and he has falsely been implicated in the present case; that as alleged, the petitioner has inflicted injury on the head of Harish, husband of the complainant, with iron pipe; that the petitioner has been in custody since 21.01.2022; that all other three co-accused have already been granted bail; that the recovery has already been effected and that the

challan stands presented but none of the prosecution witnesses has been examined.

Learned State counsel, while vehemently opposing the prayer for bail, submits that iron blow injury on the head of Harish is attributed to the petitioner and as per the opinion of the Doctor, there are three fractures on the head of injured-Harish. However, he does not dispute the custody period of the petitioner. He submits that charges have been framed but out of 22 prosecution witnesses, none has been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.01.2022. The petitioner is a student of B.A. final year. The recovery has been effected and all the co-accused are on bail. The prosecution witnesses are yet to be examined. Therefore, 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

18.10.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No