

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26445-2022

Date of Decision:-24.08.2022

Amit Nain @ Mitu.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. G.S. Gorla, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this second petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.06 dated 06.01.2021 under Sections 323, 324, 326, 379-B, 452, 34 IPC (Section 307 IPC added later on) and Section 25 of the Arms Act registered at Police Station Sadar Fatehabad, District Fatehabad.

The brief facts of the case are that the statement of Mange Ram was recorded to the effect that he along with Krishan son of Hanuman were present at the liquor shop, when Krishan son of Om Parkash (since granted bail) and Vicky son of Indraj (exonerated during investigation) and one unknown person came to the liquor shop and demanded a bottle of liquor.

When they asked for money a quarrel began and the three accused entered

into the liquor shop. Krishan Kumar gave a knife blow in the abdomen of the complainant and on his hands and legs whereas Vicky and the unnamed boy gave a blow on the head of Krishan son of Hanuman. Krishan son of Om Parkash snatched Rs.18,000/- from the cash box. On a noise being raised by them the accused ran away from the spot along with their weapons and money.

The Counsel for the petitioner contends that the petitioner is the person who has been attributed the injury attracting Section 307 IPC on the head of Krishan son of Hanuman. He contends that the medical condition of the injured is stable and he has not suffered any permanent impairment. The co-accused of the petitioner, namely, Krishan Kumar and Vikram have been granted the concession of bail by this Court vide orders dated 27.05.2022 and 06.07.2022. He contends that the petitioner is in custody since 14.01.2021 and the trial has not made any progress and none of the 21 witnesses have been examined so far. Therefore, the petitioner is entitled to the concession of bail.

The Counsel for the State on the other hand contends that the petitioner along with his co-accused have committed the offence in question. The petitioner is the main accused having been attributed the injury attracting Section 307 IPC on the person of Krishan son of Hanuman. Merely, because the co-accused of the petitioner have been granted the concession of regular bail does not entitle the petitioner to the same relief. He however does not dispute the period of custody as also the fact that none of the 21 witnesses have been examined so far.

I have heard learned counsel for the parties at length.

Admittedly, the petitioner is in custody since 14.01.2021 and

none of the 21 witnesses have been examined so far, therefore, the trial has not made any progress. The Co-accused of the petitioner have already been granted the concession of regular bail vide orders dated 27.05.2022 and 06.07.2022. The Petitioner is a young man of 25 years with no prior record. Therefore, the further incarceration of the petitioner is not required.

Keeping in view the aforementioned facts, but without commenting on the merits of the case, the present petition is allowed and the petitioner-**Amit Nain @ Mitu** son of Sh. Telu Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 24, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>