

CRM-M-31878-2021 (O&M)
Date of decision-16.03.2022

Bappy

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.405 dated 28.05.2021 registered under Sections 323, 326 and 506 read with Section 34 of Indian Penal Code, 1860 at Police Station City Karnal, District Karnal. The petitioner is in custody since his arrest on 18.06.2021.

The contents of the FIR as noticed by the learned Additional Sessions Judge, Karnal in order dated 23.07.2021 reads as under:-

“It is the case of the prosecution that on 28.05.2021 a written complaint bearing No.2163 dated 26.05.2021 of complainant Roshan was received from the office of Superintendent of Police, Karnal. Complainant Roshan son of Baleshwar, resident of Dhakka Basti, New Bahadur Chand Colony, Karnal, made these allegations that on 13.05.2021 at about

9:00 P.M. in the night, he was present near Brahmanand Chowk, New Vegetable Market, in the area of P.S.City Karnal. In the meanwhile, accused Bappy (petitioner) at the instigation of his wife/accused Babita had raised a Lalkara to kill complainant. Petitioner Bappy assaulted complainant Roshan with an iron rod, causing grievous injuries on his eye. Petitioner had given another blow causing injury on the right leg of the complainant. Accused fled the spot. Complainant got himself medico legally examined on 13.05.2021 from General Hospital, Karnal. Complainant had on 19.05.2021 had also got conducted his C.T.Scan. Doctor reported that retina stood ruptured and complainant was referred to PGI Chandigarh for operation.”

Learned counsel for the petitioner has argued that the investigation of the case is complete and after framing of the charges, four prosecution witnesses have been examined, therefore, further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by PSI Ankit does not dispute the fact that four prosecution witnesses have been examined.

After hearing the learned counsel for the parties, this Court finds that as material witnesses have been examined, therefore, further detention of the petitioner may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

16.03.2022

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No