

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

CRM-M-29266-2022

Date of Decision:-15.07.2022

Sunil.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Parveen Sharma, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.188 dated 31.07.2021 under Sections 186, 332, 353, 307, 120-B and 34 IPC registered with Police Station HSIICD, Barhi, District Sonipat.

The allegations against the petitioner and his co-accused is that they struck their vehicle with the vehicle of the complainant-police officials allegedly with the intention to kill the police officials. Admittedly, no injury has been caused to anyone, as per the MLR Annexure P-2 though there is one noting of Dr. Shishir dated 11.08.2021 where an opinion was sought from him which reads as "*patient had left fronto temporal parietal acute sub dural haematoma with midline shift which was dangerous to life*".

Counsel for the petitioner states that it is a case of no injury and the petitioner has been falsely implicated in the present case. The CCTV footage does not further the case of the prosecution. He submits that there was no prior enmity between the police party and the petitioner and he does not have any prior criminal record and his co-accused Rohtash has

been granted bail vide order dated 14.02.2022 (Annexure P-4).

Learned Counsel for the State on the other hand submits that an attempt has been made on the life of a police official. He further admits that it is a case of no injury as per the MLR Annexure P-2 except the noting as above.

I have heard rival contentions of both the parties.

Whether there was an injury or nor shall be adjudicated upon during the course of trial. There does not appear to be a prior enmity between the parties and as many as 24 witnesses are cited in the challan. The trial of the present case would therefore take a long time to conclude. The petitioner is in custody since 31.07.2021 and as such has undergone more than seven months incarceration. The co-accused of the petitioner has been granted the concession of regular bail vide order dated 14.02.2022 (Annexure P-4).

Therefore, without commenting upon the merits of the case, keeping in view the custody period, role of the petitioner and the fact that the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner **Sunil** son of Sh. Mahavir is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate concerned.

It is further made clear that if petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Nothing observed herein shall be taken as an expression of opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

July 15, 2022
Vinay

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