

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31006-2022

Date of decision : 08.09.2022

Tofik

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ashish Grewal, Advocate for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.45 dated 16.01.2022 registered under Sections 323, 308, 506 IPC at Police Station Yamuna Nagar, Haryana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 09.06.2022 and the investigation is complete and the challan has already been presented and there are 12 witnesses and none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that one injury has been attributed to the present petitioner which has been declared to be simple in nature. It is submitted that in fact, all the injuries suffered by the complainant were declared to be simple in nature.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner had thrown a brick on the head of the complainant and had also grabbed the neck of the complainant. It is further submitted that the complainant has suffered 4 injuries on account of the attack by the petitioner and his other

counsel for the State.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 09.06.2021 and the investigation is complete and the challan has already been presented and there are 12 witnesses and none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The injury attributed to the present petitioner is simple in nature and all the injuries suffered by the complainant are also stated to be simple in nature.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

September 08, 2022

Davinder Kumar