

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-31642-2022

Date of Decision : July 28, 2022

Jai Pal

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep Nehra, Advocate, for the petitioner.

Mr. R.S. Budhwar, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.46 dated 28.02.2021 registered under Sections 147, 148, 323, 341, 452, 506 and 307 of the IPC, 1860 at Police Station Sadhaura, District Yamuna Nagar, Haryana.

Learned counsel for the petitioner argues that in the present case, one injury has been attributed to two accused i.e. the petitioner as well as co-accused Karanveer Kumar @ Ranchu. The factum as to who actually inflicted the injury due to which Section 307 IPC has been invoked, is a matter of fact and is yet to be ascertained during the trial and as the petitioner is behind the bars since 09.06.2021, the petitioner may kindly be extended the concession of regular bail especially in view of the fact that the

complainant as well as the victim have already been examined. Learned counsel for the petitioner submits that out of the total 19 prosecution witnesses, five witnesses have been examined and therefore, as the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial.

Notice of motion.

Mr. R.S. Budhwar, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent.

Learned counsel for the respondent-State submits that though, it is a matter of fact that two accused alleged to have inflicted the same injury. Further, learned counsel for the respondent-State concedes that the complainant as well as victim have already been examined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The factum as to whether the petitioner is guilty of inflicting the injury being attributed to him, will only be proved on the basis of evidence during the trial. Co-accused Karanveer Kumar @ Ranchu, who has also been accused of inflicting the same injury, has already been extended the concession of regular bail while passing order in CRM-M-30368-2022 on 21.07.2022. Further, the complainant as well as the victim have already been examined and there is no apprehension that the petitioner can influence the trial, at this stage. Further, learned counsel for the petitioner has assured this Court, in case, the petitioner is granted the concession of regular bail, he will neither influence the trial or the witnesses

in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 28, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No