

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35444-2021 (O&M)

Date of decision : 08.07.2022

Shiv Kumar

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, 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.100 dated 27.04.2018 under Sections 323, 34 and 506 Indian Penal Code, 1860 (Sections 148, 149 and 302 IPC added later on) registered at Police Station Bhattu Kalan, District Fatehabad, who is in custody since his arrest on 01.05.2018.

The FIR was recorded on the statement of Indra wife of Norang Lal wherein she stated that her son Pawan had gone to purchase some household articles at bus-stand Dhingsara and when he did not return, she went to the bus-stand Dhingsara to find him. Upon reaching there she saw Shiv Kumar S/o Jai Kishan alongwith 2-3 other boys were giving beatings to her son with Dandas. Upon raising noise the assailants ran away and she took her son to hospital. On these allegations the FIR was registered for the offences punishable under Sections 323, 34, 506

IPC (Sections 148, 149, 302 IPC added later on).

Mr. Chaudhary, learned counsel for the petitioner has argued that though as per prosecution case, the fatal blow to the victim was given by petitioner, but as the material witnesses, including the eye-witness (complainant) have already been examined, therefore, further custody of the petitioner may not be necessary. He submits that the other co-accused of the petitioner have already been released on regular bail and in this regard, he has referred to one such order dated 28.03.2019 (Annexure P-3). Learned counsel has pointed out that still more than 20 witnesses are yet to be examined by prosecution and trial would take considerable time to conclude, therefore, he prays for regular bail.

On the other hand, learned State counsel assisted by SI Prehlad Singh has opposed the prayer, who has argued that the petitioner was armed with a danda and had caused head injury to the victim, who had suffered in all four injuries. He fairly states that the main witnesses have already testified before the Court and the remaining witnesses are mostly official witnesses.

After hearing learned counsel for the parties, considering the long custody of more than four years already spent by the petitioner as well as the stage of the trial, this Court is of the opinion that the further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody. Seemingly, the conclusion of trial does not appear to be in near future, therefore, the petitioner deserves the

concession of regular bail as the remaining witnesses are official witnesses and presently there is nothing to indicate of their being won over.

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/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

08.07.2022

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