

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32047-2022(O&M)

Date of decision : 23.08.2022

Rajender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Narender Singh Kamboj, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.487 dated 09.05.2022 registered under Sections 323, 34, 506 IPC (Sections 307, 201 IPC added later on) at Police Station Barwala, District Hisar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 27.05.2022 and the investigation is complete and the challan has been presented and there are 13 witnesses and none of them 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 in the present case the petitioner has been attributed one injury on the head of the complainant's brother which was declared to be simple in nature.

It is also submitted that the injury which is declared dangerous to life, has

been inflicted on the complainant by co-accused Sonu.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that even wife of the complainant had been injured and she has received one injury which was declared to be simple in nature. The other facts, however, have not been disputed.

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

The petitioner has been in custody since 27.05.2022 and the investigation is complete and the challan has been presented and there are 13 witnesses and none of them have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The injury attributed to the present petitioner is although on the head of the complainant's brother but the same has been declared 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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

August 23, 2022

Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No