

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

CRM-M-33020-2022 (O&M)
Date of Decision:-03.08.2022

SHAKTI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Lekhraj Nandal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail to the petitioner in case having
FIR No.537 dated 9.8.2021 registered under Sections 307, 323, 324, 506
IPC at Police Station City District Rohtak.

Notice of motion.

On the asking of the Court, Ms. Harpreet Kaur, AAG, accepts
notice on behalf of State of Haryana and custody certificate furnished by
learned State counsel is taken on record, as per which the custody of the

petitioner comes out to be about 11 months and 24 days and is having no criminal antecedents.

The counsel for the petitioner submits that the FIR in the present was registered on the statement of Rinku, who sustained injuries at the time of alleged occurrence. The counsel for the petitioner while referring to Annexure P-1 and Annexure P-2 submits that said Rinku and his mother Mayawati while appearing in the witness-box failed to support the case of prosecution. The counsel for the petitioner further submits that in the given circumstances there is no necessity to keep the petitioner in custody for any longer period.

The present petition is opposed by the State counsel, who submits that there are serious allegations recorded in the FIR that the present petitioner gave blow of screw-driver in the abdomen of complainant-Rinku. The State counsel further submits that the trial is going on but has not refuted the fact that complainant and his mother have already testified during the trial.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

From the perusal of Annexure P-2 and Annexure P-3, it appears that complainant and his mother while appearing in the witness-box were declared as hostile witnesses and they did not support the case of prosecution. The petitioner is already in custody for the last about one year and it will take considerable time for the trial to terminate, so no purpose is going to be served by keeping the petitioner in custody. Thus without

commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

03.08.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No