

219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39469 of 2022(O&M)

Date of Decision: 10.11.2022

Rampal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rajesh Bansal, Advocate
For the petitioner.

Mr. Vishal Kashyap, AAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 105 dated 29.05.2020, registered under Sections 148, 149, 307 and 323 of Indian Penal Code and under Sections 25 and 54 of Arms Act at Police Station Sanoli, District Panipat, to which offence under Sections 325 and 201 IPC were added lateron.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 08.05.2022. That after completion of investigation police presented the challan and now charges are framed but till date no prosecution witness has been examined. The counsel for the petitioner further submits that as per allegations the petitioner was armed with wooden *danda* but no specific

injury has been attributed to him. The counsel for the petitioner further submits that the alleged injury on the head of injured is not specifically attributed to the present petitioner. Prayer is made that petitioner is entitled to grant of regular bail.

Reply by way of an affidavit of Om Parkash, Deputy Superintendent of Police, Samalkha, District Panipat filed on behalf of the State is taken on record.

The present petition is contested by the State counsel. The State counsel submits that the petitioner was named in the FIR and he along with other accused persons caused injuries to Shiv Charan, Mahipal and injury on the left side of head of Shiv Charan was found to be dangerous to life. The State counsel on instructions from SI Attar Singh has admitted that at the time of occurrence the petitioner was stated to be armed with wooden *danda* and that the same was thrown in the river by the petitioner and accordingly offence under Section 201 IPC was added. The State counsel has not refuted the fact that after completion of investigation challan has been presented and charges are framed but till date no prosecution witness has been examined and that the petitioner was arrested in this case on 08.05.2022.

I have considered the submissions made by counsel for the parties.

In the instant case no specific injury has been attributed to the petitioner who was alleged to be armed with wooden *danda* at the time of occurrence. The petitioner is in custody since 08.05.2022 and the police has presented the challan after completion of investigation but it will take

considerable time for the trial to terminate. In the given circumstances no purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.11.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No