

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

**CRM-M-40753-2022
Decided on : 12.09.2022**

Sahil Balmiki @ Sahil Sahota

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Tarundeep Kumar, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Sahil Balmiki @ Sahil Sahota, who has been booked for having committed the offence punishable under Sections 148, 149, 323, 324, 325, 326, 307 and 506 IPC, in FIR No. 586, dated 13.09.2021, registered at Police Station Shahbad, District Kurukshetra.

Learned counsel for the petitioner submits that as per version of the FIR, there were total five accused (including petitioner) in the alleged offence and four out of them have already been released on bail. He further submits that injuries attributed to the petitioner is on the head of Gurcharan with an iron rod blow. He further submits that co-accused of the petitioner namely Sahil Gagat who also gave gandas blow over the head of the injured Gurcharan, has been released on bail vide order dated 03.08.2022 passed in CRM-M-26197-2022 (Annexure P-2). He further submits that petitioner is a young boy aged about 24 years and in all other criminal cases registered against him, he has already been acquitted.

It is further submitted by learned counsel for the petitioner that he is inside jail since 07.11.2021 and out of total 21 prosecution witnesses, only 03 prosecution witnesses, have been examined so far.

On the other hand, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that the petitioner is attributed the injury caused with an iron rod on the head of the victim which attracted Section 307 IPC.

After considering the submissions of both the sides, and perusing the material available on record with their able assistance, and taking into consideration the age of the petitioner and the period of actual custody already undergone by the petitioner and also the fact that other co-accused has already been granted concession of regular bail vide order dated 03.08.2022 in CRM-M-26197-2022, no purpose would be served by keeping petitioner inside jail, especially, when trial is moving very slow, as only 03 prosecution witnesses have been stated to be examined out of the total 21 prosecution witnesses. Therefore, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing heavy bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 12, 2022
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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*