

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46934-2021

DATE OF DECISION: MARCH 3, 2022

ARVIND

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ABHIMANYU SINGH, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.225 dated 16.6.2021, under Section 323, 341, 452, 506 IPC, Police Station Pataudi, District Gurugram, who is in custody since his arrest on 11.9.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Gurugram in the order dated 11.10.2021, are as under:-

“Tersely put, the FIR was registered on the complaint of Surender Singh who alleged that while he was coming back to his home on his motor-cycle he was stopped by the applicant-accused Arvind on his way and accused started abusing him and when the complainant raised objection he was beaten up. Somehow, the complainant managed to escape and entered his house but the accused chased him and entered the house of the complainant and inflicted a blow on the head of the complainant with a danda (stick) and fled away while threatening to kill him on the next occasion. The complainant was then taken to the hospital by his

brother.”

Learned counsel for the petitioner has argued that the petitioner is behind bars for the last more than 5 months and it would be a matter of trial whether the petitioner trespassed in the house of the complainant. He further submits that the investigation of the case is complete and charges have been framed, therefore, further custody of the petitioner behind the bars is not necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Raj Kumar has opposed the aforesaid prayer on the ground that the petitioner is a habitual offender and is involved in 9 more cases. However, it is not disputed by him that investigation of this case complete and charges have been framed on 16.11.2021.

Considering the above background, the custody of the petitioner and the fact that charges have already been framed, therefore, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 3, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No