

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212-108

CRM-M-44406-2022 (O&M)

Date of Decision: 16.11.2022

Deepak

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. CR Narwal, Advocate for the petitioner

Mr. Chetan Sharma, AAG Haryana

Sandeep Moudgil, J. (Oral)

CRM-40717-2022

Allowed as prayed for. Documents (Annexure P5 to P7) are taken on record subject to all just exceptions.

CRM stands disposed of.

Main case

(1) The petitioner has filed the present petition under Section 439 CrPC seeking regular bail in case FIR No.114 dated 30.04.2021 under Sections 148/149/323/341/506 IPC registered at Police Station Uchana, District Jind.

(2) Learned counsel for the petitioner contends that the role attributed to the petitioner is with regard to the injury caused to Sandeep on his shoulder with gandasi whereas the fatal injury has been attributed to one Vishal of Girdhala. He has also referred to medical report (Annexure P7) wherein the injury in question has not been declared fatal to have caused death and is stated to be with any blunt weapon.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Chetan Sharma, AAG Haryana accepts notice. He has produced custody certificate dated 15.11.2022 which is taken on record. It shows that the petitioner is behind bars from last 1½ years and there is no involvement of the petitioner in any other case except the present one.

(5) Keeping in view the totality of the facts and circumstances and since the conclusion of the trial is likely to take sufficient time and no fruitful purpose would be served by keeping the petitioners behind the bars and the fact that the fatal injury attracting Section 309 IPC has not been attributed to the petitioner, the prayer made in this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaqa Magistrate, Jind.

(6) Disposed off.

16.11.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No