

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104+222

CRM-M-46443 of 2022 (O&M)
Date of decision:28.10.2022

Dushyant Rana @ Jony

... Petitioner

Vs.

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Govind Chauhan, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Vishal Pundir, Advocate
for respondents No.2, 3 and 4.

SUVIR SEHGAL, J. (Oral)

CRM No.40512 of 2022

Application is allowed as prayed for.

Testimony of victim, who has been examined as PW-2 is taken
on record as Annexure P-4.

Main Case

Instant petition has been filed under Section 439 Cr.P.C.,
seeking grant of regular bail to the petitioner in case FIR No.312 dated
16.04.2022 registered under Sections 294, 323, 325, 354-B, 506 IPC at
Police Station Sadar, Karnal (Annexure P-1).

Version of the prosecution is that FIR, Annexure P-1, has been
registered on the complaint of Gaurav Sharma on the allegation that

Dushyant Rana @ Jony, present petitioner came to his house in an inebriated state and started abusing his family. When his mother Krishna Devi and neighbourer, Hukmi Devi, requested him to desist from doing so, he went to his house in the neighbourhood, brought “*iron kahi*” and hit his mother and also tore her clothes. When the complainant reached the spot and tried to intervene, he was also attacked.

Counsel for the petitioner submits that the allegations against the petitioner are far from the truth and the dispute, which is primarily between the neighbours has been settled by way of compromise dated 29.09.2022 (Annexure P-2). He submits that both the complainant as well as victim, Krishna Devi, have been examined as PW-1 and PW-2 and they have not supported the case of prosecution. By referring to their testimonies, he submits that both the crucial witnesses have categorically stated that they do not recognize the accused. He submits that the petitioner, who is in detention since 09.05.2022 and enjoys a clean past, deserves to be enlarged on bail.

Per contra, State counsel, upon instructions from SI Mahabir Singh, has opposed the petition. She submits that a cross-case bearing FIR No.318 dated 17.04.2022 under Sections 323, 34, 341, 506 IPC was registered at P.S.Sadar, Karnal against the complainant, in which accused are on bail. As per her instructions, 02 out of total 13 prosecution witnesses have been examined. She has filed the custody certificate dated 27.10.2022, which is taken on record.

Having considered the respective submissions made by counsel for the parties, but without advertng to the merits or de-merits of the arguments addressed, this Court is *prima facie* of the view that involvement of the petitioner in the offence would remain controvertible before the Trial Court. Noticing the length of custody of the petitioner, deposition of material prosecution witnesses and that the trial is not likely to conclude in near future as 11 more witnesses have to be examined, this Court is of the opinion that further detention of the petitioner is not justified.

Petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 28, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes