

CRM No. M-48696-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-48696-2022 (O&M)

Date of Decision : 28.10.2022

Ajay

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ramesh Goyat, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-39776-2022

Application is allowed, as prayed for.

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The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 69 dated 20.03.2021, under Sections 148, 149, 323, 341, 506, 307 IPC, registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner is behind bars since last more than one year and seven months and as of now the victim as well as the complainant have already been examined, hence, as there are total 15 witnesses who are to be examined, out of which, only two have been examined so far, the trial is likely to take some time before it

concludes, the petitioner may kindly be extended the concession of regular

bail, especially when, the injury, due to which, Section 307 IPC has been invoked, has been attributed to co-accused, Vijay, even which allegation is yet to be proved during the trial.

Notice of motion.

Mr. Sandeep Singh Mann, learned Addl. A.G., Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel concedes to the fact that the complainant as well as the victim have already been examined and though, the victim, Sumit in his testimony has stated that the injury on his head, which attracted Section 307 of IPC, was inflicted by co-accused, Vijay, but as the petitioner also participated in the said incident, the prayer of the petitioner for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegation against the petitioner is of inflicting injuries upon the person of the victim but no specific injury has been attributed to the petitioner. The weapon attributed to the petitioner is *danda* and there is only one injury, which is life threatening, inflicted upon the head of the victim, which injury even according to the victim, is attributed to co-accused, Vijay. The petitioner is behind bars for the last more than one year and seven months and as there are total 15 witnesses, out of which, two material witnesses including the victim as well as the complainant have been examined and the trial is likely to take some time before it concludes, keeping in view the facts and circumstances mentioned hereinbefore. As the complainant and the victim have already been examined, there is no

likelihood of influencing the main witnesses, the petitioner has made out a case for the grant of regular bail keeping in view the totality of the circumstances mentioned hereinbefore.

\ The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 28, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No