

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-1725-2023 (O&M)
Date of decision: 24.08.2023

Naveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Kulvir Narwal, Advocate for the petitioner.

Mr. Gurbir S. Dhillon, AAG, Haryana.

Mr. Mukul Sheoran, Advocate for the complainant.

VIKAS SURI, J. (Oral)

CRM-35193-2023

Allowed as prayed for, subject to all just exceptions. Annexures
P-18 and P-19 are taken on record, subject to all just exceptions.

Main Case

1. Prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.79 dated 24.05.2022, under Sections 147, 148, 149, 323, 452, 506 and 325 IPC (Section 307 IPC added later on), registered at Police Station Machhroli, District Jhajjar.
2. Custody certificate of the petitioner dated 23.08.2023 has been filed by learned State counsel, which is taken on record. A copy thereof furnished to learned counsel for the petitioner.
3. Learned counsel for the petitioner has argued that the petitioner was arrested on 02.07.2022, on the allegations that he gave *farsa* blow on

the head of Jasbir i.e. husband of the complainant. Though the allegations against the petitioner is of having given a blow with *farsa* but the recovery allegedly shown from him is that of wooden log *danda* (wooden leg post of a cot-*pahwa*). It is further submitted that even in the medical opinion sought, vide Annexure R-3 with regard to the injuries recorded in the MLR that are stated to have been inflicted by a blunt weapon, refers to wooden stick of a cot. It is further submitted that the MLR does not record any injury with a *farsa* or any other sharp edged weapon. The charges have been framed against the petitioner on 15.05.2023, and now the case is pending for prosecution evidence for 25.09.2023.

4. On the other hand, learned State counsel as well as learned counsel for the complainant opposes the present petition tooth and nail.

5. I have heard learned counsel for the parties and perused the record.

6. Without expressing any opinion on the merits of the case, keeping in view the fact that the trial is at initial stage; the petitioner is behind bars since 02.07.2022 and is not involved in any other criminal case; and it is not in dispute that total six persons were nominated in the FIR but the *challan* was filed only against two and the remaining four persons were given up; and the fact that the conclusion of trial is likely to take considerable time and no useful purpose would be served in keeping the petitioner behind bars for an indefinite period, therefore, the present petition stands allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

7. It is, however, made clear that the petitioner shall not influence

the trial in any manner, directly or indirectly.

8. The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

August 24, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No