

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-4098-2022 (O&M)
Date of decision : 05.12.2023**

Amit @ Bittu

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Kripal Singh, Advocate,
for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana.

Mr. Yashveer Kharb, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.197 dated 08.06.2021, under Sections 323, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station, Israna, District Panipat.

2. Allegations are that the petitioner along with other co-accused attacked the complainant and his brothers. Petitioner-Amit @ Bittu gave *Kassi* blow to the complainant and his co-accused inflicted *lathi* blows.

3. This Court granted interim bail to the petitioner on 31.07.2023, in the following manner:-

“ Learned counsel for the petitioner has pointed out that an order dated 26.11.2021, whereby application of the prosecution moved under Section 319 of Code of Criminal Procedure was rejected, has been challenged by the complainant in CRR No. 1944 of 2022 and the same is pending for 07.11.2023.

Also submits that trial is being delayed on account of the fact that no PW is coming forward for the last 3/4 occasions.

Posted on 07.11.2023.

To be heard along with CRR No. 1944 of 2022.

Since petitioner is stated to be in custody for the last two years, therefore, till the next date of hearing, he is ordered to be released on interim bail subject to furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”

4. Learned counsel for the petitioner submits that entire prosecution evidence is over. Now, the matter is pending for defence evidence. Further contends that he is regularly appearing before learned trial Court. There is also no apprehension to either the prosecution witnesses or that he is likely to hamper the trial, in any manner.

5. Learned State Counsel, on instructions and learned counsel for complainant, fairly acknowledge the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court on 31.07.2023 and he is regularly appearing before the Court below; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute; thus, sending him in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 31.07.2023, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.
12. Pending application(s), if any, shall also stand disposed off.

05.12.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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