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2023:PHHC:066273

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

CRM-M-4562-2023

Date of Decision: May 09, 2023

ANAND

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.
Mr. Shiv Kumar Rana, Advocate for complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.101 dated 26.05.2022 registered under Sections 395 and 397 of IPC (Sections 323, 325, 120-B, 201 and 412 IPC added later on) at P.S. Titram, District Kaithal.

2. As per the allegations levelled in the FIR, the petitioner caught hold of one of the injured in the incident namely Abhishek.

3. Learned counsel for petitioner submits that investigation in the present case already stands concluded with the filing of challan followed by framing of charges. He further submits that the petitioner has already suffered incarceration for a period of more than 10 months now, however, none of the prosecution witness has been examined so far and the trial is likely to take some time. Besides it, he also submits that the petitioner even volunteers to compensate one of the injured namely Abhishek who suffered grievous injuries upon his nose as well as eye.

4. On the other hand, learned State counsel on instructions from ASI Dalbir Singh, P.S. Titram, District Kaithal assisted by learned counsel for complainant vehemently opposes the prayer made in the present petition

while referring to the serious injuries inflicted upon person of the injured Abhishek and the manner in which the occurrence was carried out. Learned State counsel further submits that the petitioner is involved in one other case registered under Sections 323 and 506 IPC, however, he is admitted on bail.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

7. Considering the fact that the petitioner has already suffered incarceration for a period of 10 months now and the prosecution evidence has not started so far thus, the trial is likely to take some time, besides it, the petitioner is a young boy of 22 years who is even ready to compensate the injured-victim namely Abhishek to an extent of Rs. 50,000/-, I do not deem it appropriate to extend his incarceration.

8. Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

9. It is however, made clear that amount of compensation of Rs.50,000/- shall be deposited before trial Court within a period of six weeks from today and the same shall be disbursed in the favour of victim-injured namely Abhishek upon due verification by the trial Court.

09.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>