

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-5370 of 2023
DATE OF DECISION:-07.02.2023

Sher Singh

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. R. K. Ambavata, AAG, Haryana, assisted by
ASI Vijay Kumar.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in FIR No.165 dated 09.08.2022 (Annexure P-1) under Sections 323, 506 and 34 of IPC, (Sections 307, 325 added lateron) registered at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner submits that investigation in the present case has already been concluded with the filing of *challan* followed by framing of charges. He further submits that the petitioner is behind the bars for the last more than 5 months now and even the injured was discharged from the hospital on the same day of incident itself and thus, he prays for concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that Section 307 IPC was added on the basis of opinion given by the doctor concerned.

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.

Considering the fact that petitioner has already remained behind the bars for a period of almost 5 months now and the investigation stands concluded with the filing of *challan* followed by framing of charges and the trial is pending from 23.03.2023, no useful purpose is going to be served by extending the incarceration of the petitioner. In this case, the parties are even closely related to each other and the injured was even discharged from the hospital on the same day of incident itself.

In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

07.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No