

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-5981-2023 (O&M)

Date of Decision: 10.05.2023

JOGINDER @ JINDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parvesh Jaglan, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.211 dated 30.09.2020, registered at Police Station City Safidon, District Jind, under Sections 323, 324, 326-B and 506 IPC and Sections 307 and 325 IPC.

Status report by way of an affidavit dated 10.04.2023 of the Deputy Superintendent of Police, Safidon, District Jind, filed on behalf of the respondent-State, in the Registry, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner contends that the petitioner, who is the sole accused in the present FIR, has been in custody since 11.10.2020; that earlier petitions were dismissed as withdrawn on 30.06.2021 and 25.07.2022, and that testimonies of the complainant and the eye-witness have already been recorded. He further submits that the

allegations against the petitioner are that he had thrown hot refined oil twice on the face of the complainant, to disfigure his face and gave a poker blow on his neck; that the recovery has already been effected and that out of total 18 prosecution witnesses, only 4 have been examined, so far and the trial will take a long time to conclude. Still further, it is submitted that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. She, however, submits that the petitioner is the only accused in the present case, who had thrown hot refined oil on the face of complainant, namely, Deepak, and also inflicted poker blow on his neck. She further submits that most of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

Though, there are specific attributions to the petitioner, yet the fact remains that the petitioner has been in custody since 11.10.2020. There is no other case registered and/or pending against the petitioner. Complainant has already been examined. Recovery has already been effected. 14 prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on

the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.05.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No