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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6332-2023

Date of decision: 24.05.2023

MUNISH @ MINU

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

Mr. Munish Mittal, Advocate for the complainant.

JAISHREE THAKUR, J. (Oral)

1. This is the fourth petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0134 dated 07.04.2020, under Sections 148, 149, 188, 323, 324, 326, 307, 506, 216, 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Indri, District Karnal, Haryana.

2. Learned counsel for the petitioner would submit that the petitioner herein has been implicated in the present case due to village rivalry. It is submitted that the petitioner is in custody since 03.07.2020 and the trial is not likely to conclude in the near future as the complainant namely Dilbag Singh is not forth coming to get his cross-examination done despite several opportunities having been allowed to him.

3. Learned State counsel would oppose grant of bail to the petitioner but does not dispute the factual position.

4. Learned counsel for the complainant is present in Court today and is not in a position to dispute that 10 opportunities have been allowed to the complainant to present himself to have his cross-examination done.

5. I have heard learned counsel for the parties and have also perused the case file.

6. In the given situation, it appears that the complainant himself is interested to delay the trial in one manner or the other. It would be worthwhile to note that out of three persons injured, one has been examined and other two are not coming forward to depose despite directions.

7. Without commenting on the merits of the case and keeping in view of the fact that the petitioner is in custody since 03.07.2020 and the delay in conclusion of the trial is not attributable to him, no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

8. However, anything observed or said by this Court is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

(JAISHREE THAKUR)
JUDGE

24.05.2023
Chetan Thakur

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No