

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

CRM-M-7513-2023

Date of Decision: 22.03.2023

Satish Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sanjeev Patiyal, Advocate
for the petitioner.

Mr. Rajinder Kumar, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has moved the instant petition for grant of concession of regular bail in FIR No.471, dated 07.12.2021 under Section 148,149,323,324 (Section 148, 149 deleted and 326,307,34 IPC added later on) registered at Police Station, Chandimandir, Panchkula.

The FIR in the instant case was got registered by one Sunil son of Puliyat by alleging that Maya wife of Dharam Dass had worked with him as a labourer and an amount of Rs.5000/- was outstanding. About 8/10 days ago, Maya Devi had come to take money from him and he had assured her that the money would be paid on 06.12.2021. However, the petitioner i.e son of Maya Devi started saying that he wanted the money on that day itself. After finishing his work on 05.12.2021, when he was returning home, the petitioner along with 7/8 boys met him and started beating him. Satish Kumar, petitioner attacked

him with a knife and gave him two blows on his back and caused injuries to him. With these broad allegations the FIR was got registered by Sunil Kumar. During the course of the investigation, on finding sufficient evidence against the petitioner, he was arrested on 24.03.2022 and is behind the bars since then.

Learned counsel for the petitioner contends that the investigation in the present case has been completed and the challan has been presented in the Court. The petitioner is in custody since 24.03.2022 i.e almost for one year and his further incarceration will serve no purpose. Learned counsel for the petitioner further contends that the complainant has been examined in the present case as PW-3 and he did not support the case of the prosecution. While referring to the testimony of the complainant, learned counsel contends that the said witness did not identify the accused in the Court and rather stated that he had seen the accused persons present in the Court for the first time.

Learned State counsel has vehemently opposed the present petition by contending that the remaining witnesses are yet to be examined on the next date of hearing before the Trial Court, which is fixed for 05.04.2023. He further contends that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail.

I have heard learned counsel for the parties at length. It is apparent that the investigation has been completed by the police in the instant case and the petitioner is in custody since last one year. Even the complainant in the present case has turned hostile and did not support the case of the prosecution. Thus, further custody of the petitioner will serve no meaningful purpose in the instant case.

Without commenting on the merits of the case, the present petition

is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.03.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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