

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

(216)

CRM-M-12632 of 2023
DATE OF DECISION:- 09.05.2023

Vinod alias Boda

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunny Tyagi, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
assisted by ASI Naresh Kumar.

HARKESH MANUJA, J.

(1) 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 case FIR No.0581 dated 07.10.2022 under Sections 323, 325 and 34 IPC (Section 307 IPC added later on), registered at Police Station Israna, District Panipat, Haryana.

(2) The allegations against the petitioner are that he while holding wooden *danda* in his hand gave injuries on the person of victim-Balinder.

(3) Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and even the victim and the complainant already stand examined. He further submits that trial is likely to take some time as out of total 9 prosecution witnesses, only 4 have been examined. Learned counsel further submits that the petitioner is behind the bars for a period of more than 7 months and the conclusion of the trial is likely to take some time as such, the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that the injured was inflicted 12 injuries on his person, out of which injury Nos. 1, 3 and 4 have been declared as dangerous to life.

(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.

(6) In the present case, the petitioner has already suffered incarceration for a period of more than 7 months and the investigation already stands concluded with the filing of *challan* and even the eye-witness as well as injured victim have already been examined. In the statement, the injured has deposed that the petitioner inflicted *danda* blows on his hands and no injury on his head has been attributed to the petitioner. The petitioner being the first offender with no past antecedents, I do not find any reason to extend his incarceration any further.

(7) Without commenting anything on the merits, lest it may prejudice the trial, 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.

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

09.05.2023.
anil

(HARKESH MANUJA)
JUDGE

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