

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13529-2023
Decided on : 10.05.2023

Balwinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.314 dated 25.06.2022 under Sections 294, 332, 34 and 353 IPC (Sections 333 and 186 IPC added later on) at Police Station Kaithal City, Kaithal.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for allegedly attacking the complainant with a glass bottle. Learned counsel submits that the petitioner has been in custody since 25.06.2022 and the trial shall take considerable time to conclude as none of the prosecution witnesses have been examined till date. Learned counsel further submits that since the investigation is complete, further incarceration of the petitioner would serve no useful purpose. It has also been submitted that similarly situated co-accused Deepak has since been granted bail by the trial Court vide order dated 08.09.2022.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR (Annexure P-1). Learned State counsel has submitted that there are serious allegations levelled against the petitioner of attacking a police official, who had gone to the place of occurrence on receipt of information that the petitioner along with some other persons was public nuisance. When the complainant tried to stop the accused including the petitioner from creating public nuisance, he was attacked on his eye with a glass liquor bottle as a result of which he had been left visually impaired. Besides attacking the complainant with the glass bottle, the accused including the petitioner had also scuffled with the complainant and torn his police uniform. Learned State counsel has disputed the submissions made by the counsel opposite that the case of co-accused Deepak is at par with that of the petitioner. Learned State counsel on instructions has submitted that co-accused Deepak had not been attributed any injury in the occurrence in question. Still further, this Court has been apprised that the petitioner is a man of criminal antecedents as he had been previously involved in 12 other criminal cases including the one under the Explosives Act, wherein he stands convicted.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. This is the second petition filed under Section 439 Cr.PC as the earlier petition was dismissed as withdrawn on 05.01.2023. Learned counsel for the petitioner has failed to bring to the notice of this Court any material change in circumstances subsequent to the withdrawal of the previous petition on 05.01.2023.

6. *Prima facie*, there are serious and specific allegations against the petitioner, who was not only named in the FIR in question but also obstructed a government official from carrying out his official duties by attacking him with a glass bottle, which led to visual impairment of one of his eyes. This Court has been apprised that the prosecution evidence is yet to commence.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.05.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No