

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-18736 of 2023
Date of Decision: 24.04.2023

Manish @ Kala

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Amitabh Tewari, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Sandeep Moudgil, J. (Oral)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioner in case FIR No. 0269 dated 05.10.2022 under Sections 186,307,323,332,353,427,506 and 34 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 registered at Police Station, Bhondsi, District Gurugram, Haryana.

Learned counsel for the petitioner submits that the allegation qua the petitioner is that he gave a danda blow to Anil and the injuries attributed to the petitioner has been declared simple in nature. He further contends that the investigation in the present case is complete and challan stands presented. It is also the assertion on behalf of the petitioner that he is in custody since 12.10.2022 and seeks parity with co-accused namely Sandeep @ Anandi who has already been granted concession of regular bail by this Court vide the order dated 09.03.2023 passed in CRM-M-10689-2023.

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Custody certificate of the petitioner filed by learned State counsel is taken on record. According to custody certificate, the petitioner is also involved in other cases.

Considering the afore-said facts and circumstances and the period so far undergone by the petitioner i.e. 06 months and 12 days added with the facts that the injury attributed to the petitioner has been declared simple in nature; challan stands presented, wherein, conclusion of trial will take sufficient long time and is at parity with the co-accused who has already been granted the concession of regular bail, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.04.2023
Harish Kumar

(SANDEEP MOUDGIL)
JUDGE

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No