

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

CRA-S No.1263 of 2023

Date of decision: 19th September, 2023

Arun Pannu @ Lota

... Appellant

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Bali, Advocate for the appellant.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

Mr. Dhruv Mittal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 21.04.2023 passed by learned Additional Sessions Judge, Karnal vide which his prayer for grant of the concession of bail under Section 439 Cr.P.C. in case bearing FIR No.16 dated 20.01.2023 under Sections 308, 323, 34, 506 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Munak, Karnal was declined.

2. Learned counsel for the appellant inter alia contends that there was a history of strained relations between the parties which were far from cordial, and precisely it was on that account that a false and fabricated case had been planted upon the appellant. He submits that as per the allegations levelled, the appellant who along with co-accused

Davinder alias Bablu was armed with lathi and gandasi, inflicted as many as 3 injuries on the person of injured Jai Bhagwan alias Rinku. However, it was a matter of record that all the injuries were found to be blunt and simple in nature. Learned counsel further submits that after challan was presented on 12.04.2023, charges had been framed, however, none of the 18 prosecution witnesses had been examined till date. He further submits that in the aforementioned facts and circumstances, further incarceration of the appellant would serve no useful purpose, more so since he has clean antecedents.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Manoj, has not been able to controvert that the injuries allegedly inflicted by the appellant along with his co-accused, on the forearm, forehead and lower leg of the injured, were opined to be simple in nature. On a pointed query put to the learned State counsel qua the criminal antecedents of the appellant, he, on further instructions, has submitted that the appellant is not involved in any other case, much less a case of similar nature.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The appellant has now been in custody since 07.03.2023 and there is no likelihood of the trial concluding in the near future as none of the 18 prosecution witnesses cited have been examined till date. In the

facts and circumstances as enumerated hereinabove and taking into account the allegations levelled as also the nature of injuries attributed, this Court thus deems it fit to extend the concession of bail to the appellant. The appeal, as such, is allowed and the appellant is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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

September 19, 2023
rps

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