

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

(207)

CRM-M-22527 of 2023
DATE OF DECISION:-10.05.2023

Happy Singh

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kamal Jindal, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner prays for grant of bail pending trial in case FIR No.396 dated 27.10.2021 under Sections 147, 148, 149, 323, 324, 326, 452, 506 IPC and Section 307 IPC added later on, registered at Police Station City Mandi Dabwali District Sirsa (Annexure P-1)

(2) Learned counsel for the petitioner submits that petitioner is behind the bars for the past more than 1 year and 4 months now and the investigation already stands concluded, charges framed. He further submits that out of total 15 witnesses cited by the prosecution, none has been examined so far and the next date before the trial court is 16.06.2023.

(3) Learned counsel for the petitioner also submits that as per the antecedents of the petitioner, he is the first offender and there is no other case pending against him and he being a young man of 30 years of age, thus, deserves the concession of regular bail.

(4) On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel by submitting that as per the

allegations levelled in the FIR, the petitioner gave head injury to the victim and even the weapon of offence was also recovered from him, besides he having entered the house of the victim party as well.

(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, petitioner happens to be a young man of 30 years of age, who is behind the bars for the past almost 1 year and 4 months now. As per the information provided by learned State counsel, he does not appear to be a habitual offender, as there is no other case pending against him. Besides it, the victim/injured came to be discharged from the hospital within 4 days of the occurrence. Still further, investigation already stands concluded, challan filed, charges framed and out of the total of 15 witnesses cited by the prosecution, none has been examined so far, despite the fact that charges were framed way-back in June 2022, thus, there does not appear to be any justification to keep the petitioner behind the bars.

(7) In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, 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.

10.05.2023
anil

(HARKESH MANUJA)
JUDGE

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