

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-23904-2023

Date of decision: 25.09.2023

Dharampreet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Atul Pratap Dhankhar, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana assisted by
SI Bhoop Singh.

Mr. Rohan Garg, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.255 dated 30.08.2022 under Sections 147, 148, 149, 302, 307, 341, 427 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kalanwali, District Sirsa.

2. Learned counsel for the petitioner while drawing the attention of this Court to the allegation levelled in the FIR which has been annexed as Annexure P-1, submits that a perusal of the same reveals that the petitioner has not been attributed any injury much less on the deceased. He submits that as per the allegations the petitioner was armed with a stick which he hit on the car of the complainant. Learned counsel submits that the petitioner has been in custody since 06.09.2022; challan was presented on 29.11.2022 and thereafter charges also stand framed. However, none of the 28 prosecution witnesses have been examined till date, hence, it is evident that the trial would take considerable time to conclude.

3. Per contra, learned State assisted by learned counsel for the complainant have opposed the prayer made by counsel opposite by for extending the concession of bail to the petitioner. It has not been disputed by either of the counsel that no injury much less on the deceased has been attributed to the petitioner, however, they submit that the petitioner was part of the unlawful assembly and at the relevant time was armed with a lathi with which he hit the car of the complainant. Learned State counsel, on instructions from SI Bhoop Singh, has informed the Court that the next date fixed before the Trial Court is 06.11.2023 when prosecution evidence is likely to commence.

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

5. The trial is unlikely to conclude in the near future. The petitioner has been in custody for more than a year having been arrested on 06.09.2022. As also not disputed by the learned State counsel, no injury much less fatal has been attributed to the petitioner. In the facts and circumstances as enumerated hereinabove and the nature of allegations levelled against the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

25.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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