

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

(221)

CRM-M-25089-2023

Date of Decision : July 17, 2023

Mahabir**.. Petitioner****Versus****State of Haryana****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Parveen Kaushik, Advocate, for the petitioner.

Mr. Surender Singh, Assistant Advocate General, Haryana.

Mr. Parveen Sharma, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.0023 dated 20.01.2023 registered under Sections 148, 149, 323, 452, 506 of the IPC, 1860 (Sections 307, 325 and 326 of the IPC added later on) at Police Station Sonipat Sadar, District Sonipat.

2. Learned counsel for the petitioner argues that in the present case, though Sections 307 and 326 of the IPC have been invoked but no grievous or life threatening injury has been attributed to the petitioner and only a danda blow has been attributed to him. Learned counsel for the petitioner submits that the investigation is over and as the trial is likely to take some time before it concludes, the petitioner may kindly be extended the benefit of regular bail.

3. Notice of motion.

4. Mr. Surender Singh, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel does not dispute the factum that the petitioner has only been attributed a simple danda injury.

6. Even the learned counsel for the complainant has not been able to dispute the said statement.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. Keeping in view the facts and circumstances of the present case where the petitioner is behind the bars for the last about five months and the investigation is already over and the trial is likely to take some time before it concludes, no useful purpose will be served in keeping the petitioner behind the bars as learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is extended the benefit of bail, he will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

9. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 17, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No