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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: August 01, 2023

Ravi

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Anirudh Singh Shera, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as undertrial in criminal case bearing FIR No.439 dated 06.10.2022, registered under Sections 307, 323, 506, read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') (initially FIR was registered under Sections 323, 506, 308 read with Section 34 IPC and later on Section 308 IPC was deleted and instead Section 307 IPC was added), at Police Station, Sadar Sonipat, District Sonapat.

2. Per prosecution version, on 05.10.2022 at about 8:00 p.m., complainant, namely, Manish and his cousin Pawan were together, the accused Ravi (petitioner), Monu, Vikram and another boy came and assaulted him with *lathis* and *dandas*. Monu was carrying a beer bottle and he broke it and used it to cause injuries on his limbs. Whereas, other boys caused injuries on his head and hands. Assailants later decamped a giving life threats to him. An FIR was registered. Petitioner was taken in custody on 08.10.2022.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He submits that alleged injury No.1, which is stated to be dangerous to life, is not attributed to petitioner. He also submits that non-bailable offences have been wrongly invoked against the petitioner. The MLR has been issued by the private hospital, which cannot be relied upon as it is a procured one and not authentic.

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He further submits that trial will take long time and no useful purpose would be served by keeping petitioner behind bars.

4. On the other hand, learned State counsel, on instructions from ASI Vikas, opposes the petition and submits that petitioner has committed a serious offence. Further contends that if enlarged on bail, petitioner may tamper with the evidence and/ or influence the witnesses.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On court query, learned state counsel informs that there is no other case against the petitioner. Challan has already been presented and charges were framed on 17.03.2023. Since trial has commenced, petitioner is thus not required for any further custodial interrogation. Nothing is to be recovered from the petitioner.

7. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Out of 19 witnesses, only 7 have been examined so far. Conclusion of trial is still likely to take long time as it is proceeding at a snail pace. Whereas, petitioner has already been languishing in jail for the past more than 10 months in preventive custody, being behind bars since 08.10.2022.

8. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses. It is stated that petitioner is a family man having responsibilities and fixed abode, it is unlikely that he will flee from the trial proceedings.

9. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may

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11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
12. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.
13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 01, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No