

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-29991-2023

Date of Decision:-13.06.2023

Himanshu.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Balkar Singh, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.21 dated 20.01.2023 under Sections 308, 323, 506 IPC (Initially FIR was registered under Section 308, 323, 506 Later on Section 307 IPC was also added) registered at Police Station Sadar Sonipat, District Sonipat.

2. The present FIR came to be registered at the instance of Satish who stated that on 19.01.2023 in the evening he had come to the Sonipat Mandi in his vehicle loaded with Sugar. Himanshu (petitioner) had come on his motor cycle and started using abusive language against his (complainant's) brother. When his brother asked Himanshu not to use abusive language, he (petitioner) became violent and threw a brick lying on the ground at the forehead of his (complainant's) brother which struck the head of his brother. Another brick blow was given on the jaw of his brother. On the gathering of many persons, the petitioner fled away from the spot.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There are material contradictions in the FIR and the Statements of the eye witnesses. In fact, the MLR of the injured would reveal that he was in drunken state and had

suffered injuries due to falling down. Since the petitioner was in custody since 23.01.2023, the investigation stood completed and none of the 19 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that grave allegations have been levelled against the petitioner. Therefore, he was not entitled to the concession of bail. He however, concedes that the petitioner is a first time offender, in custody since 23.01.2023 and none of the 19 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case shall be established during the course of Trial. Admittedly, the petitioner is a first time offender. He is stated to be in custody since 23.01.2023 and none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Himanshu** son of Sh. Virender is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 31, 2023
Vinay

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