

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-31092-2023 (O&M)
Date of Decision.:07.07.2023

Arvind

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Satyawar Singh Nain, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.605 dated 21.10.2022 registered under Sections 323, 324, 307, 506/34 of the IPC registered at Police Station Israna, District Panipat.

2. As per the allegations Devdutt was caused injuries with a knife by petitioner Arvind on both the sides of his chest besides other parts of the body. It is also the prosecution case that Mohan son of Sube Singh and Sanjay son of Ram Singh came to rescue the injured and took him to the hospital.

3. It is contended by learned counsel that during trial, neither injured Devdutt nor the eye-witnesses have supported the prosecution. Attention is drawn towards the testimony of injured Devdutt (Annexure P-4) as per which some unknown persons having muffled faces had attacked him with knife and caused injuries to him and that he could not identify the

assailants. Said injured specifically deposed during trial that petitioner present in the court had not given any knife blow to him. To the same effect is the statements made by PWs Sajjan and Mohan (Annexures P-2 & P-3).

4. Learned counsel further contends that the earlier bail petition was dismissed as withdrawn vide order dated 22.05.2023 as by that time statement of the injured had not been recorded before the Trial Court.

5. Notice of motion.

6. Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent- State.

7. The factual position is not disputed by learned State counsel to the effect that injured of the case Devdutt has turned hostile and did not support the prosecution case during trial. Petitioner is in custody since 27.10.2022.

8. Having regard to the circumstances as above and the fact that sole injured of the case has not supported the prosecution case but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

July 07, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No