

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31993-2023

Date of Decision : 12.07.2023

Sushil alias Shila

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Sunil Kumar Vashisht, DAG, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.803 dated 08.10.2022, registered under Sections 307 and 201 IPC, at Police Station Old Industrial Panipat, District Panipat, Haryana.

2. On a complaint submitted by one Arjun, the present FIR was registered. The allegation was that on 08.10.2022, the present petitioner gave a stab injury with a knife to Satpal, father of the complainant Arjun.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. It has been contended that after the presentation of final report under Section 173 Cr.P.C, charges were framed on 04.01.2023. The case was then fixed for 06.04.2023, for evidence of the prosecution. On that date i.e. 06.04.2023, main witnesses namely Arjun, Satpal and Amarshree, who had been summoned, did not appear as the summons issued to them were received back

with report that they had left the address. They were again summoned for

05.06.2023 but again they did not appear. Learned counsel for the petitioner submits that the petitioner is in custody since 10.10.2022; trial will still take a sufficiently long time because out of 15 witnesses, not even a single witness has been examined till date; the petitioner is not a previous offender and no other case stands registered against him and, therefore, no useful purpose would be served by keeping the petitioner in custody any longer.

4. On the other hand, learned counsel representing the respondent-State of Haryana has opposed the present petition for the grant of regular bail. It has been submitted that the allegations are very serious. Learned counsel has submitted that the case is now fixed before the trial Court for 21.08.2023 for evidence of the main witnesses. It has been contended that if the petitioner is released on bail, he may try to threaten and influence the witnesses and may also abscond.

5. I have considered the submissions made by learned counsel for the parties. No doubt, the allegations against the petitioner are serious. However, at the same time, it is also to be borne in mind that the petitioner is in custody since 10.10.2022. More than 09 months have elapsed. The interlocutory orders produced by the learned counsel for the petitioner show that the trial was fixed for the evidence of the prosecution on 06.04.2023. Summons issued to PWs Arjun, Satpal and Amarshree were recieved back with the report that they had left the address. They alongwith other witnesses were ordered to be summoned for 05.06.2023 but on the said date also these witnesses did not appear despite the fact that they had been served through some other person. It is, therefore, evident that the trial will still take a sufficiently long time as the whereabouts of the witnesses are not known and further they are not appearing before the trial Court. The

Court, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the aforementioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail to the satisfaction of trial Court/Chief Judicial Magistrate, Panipat/Duty Magistrate.

(VIKRAM AGGARWAL)
JUDGE

12.07.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No