

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33446-2023 (O&M)

Date of Decision:19.07.2023

Shiv Kumar @ Pankaj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vishwajeet, Advocate for the petitioner.

Mr. Surender Singh, DAG, Haryana.

HARSIMRAN SINGH SETHI J.(Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.48 dated 16.03.2021, registered under Sections 148, 149, 323, 341 and 506 IPC (Sections 324, 325, 326, 307, 302 and 34 IPC added later on) (Sections 148 and 149 IPC have been deleted) registered at Police Station Dhand, District Kaithal.

2. Learned counsel for the petitioner submits that even as per the allegations alleged in the FIR no injury has been attributed to the petitioner upon the deceased and only allegation alleged against the petitioner is that the petitioner had given a blow to the mother of the deceased on her hand with a base ball bat and the petitioner is behind the bar for the last more than two years and four months hence keeping in view the status of trial as the same is not likely to conclude in near future, petitioner may kindly be extended the concession of regular bail.

3. Learned State counsel concedes the factum that there is no allegations

of inflicting any injury by the petitioner upon the deceased and only allegation alleged against the petitioner is for inflicting simple injury upon the mother of the deceased with baseball bat. Learned State counsel further submits that out of 24 cited witnesses only two witnesses have been examined so far and an application under Section 319 Cr.P.C.is pending.

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

5.. Keeping in view the facts and circumstances of the present case that no injury has been attributed to the petitioner upon the deceased and only allegation is of hitting the mother of the deceased on her hand, coupled with the fact that the petitioner is behind the bars for the last two years and four months and in view of the status of the trial that out of 24 cited witnesses only two have been examined so far and the trial is not likely to conclude in the near future and he is not involved in any other case, the petitioner has made out a case for the grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty approach this Court for passing appropriate orders.

6. Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail in case he is not required to be kept behind the bars in any other case subject to the satisfaction of trial Court/Duty Magistrate concerned.

7. 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..

(HARSIMRAN SINGH SETHI)
JUDGE

19.07.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No