

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-34336-2023

Date of Decision: 25.07.2023

Mahinder

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Sushil Bhardwaj, Advocate,
for the petitioner.

Mr. Pawan Jhanda, D.A.G., Haryana.

VIKAS SURI, J.

1. The instant petition has been preferred under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.630 dated 03.12.2020, under Sections 148, 149 and 302 IPC, registered at Police Station Sector 32-33 Karnal, District Karnal.
2. Custody certificate of the petitioner dated 24.07.2023, showing the actual undergone period as 02 years, 07 months and 20 days, has been filed by the learned State counsel in Court today. The same is taken on record. A copy thereof supplied to the learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR in question. He submits that nothing has been recovered from the petitioner nor any stone or brick has been

recovered from the scene of crime and no specific injury has been attributed to him. He further submits that petitioner is behind the bars for a period of more than 02 years and 07 months. Referring to the custody certificate of the petitioner, he submits that the petitioner is first offender and not involved in any other case.

4. Learned counsel for the petitioner contends that two co-accused, namely Kavita and Sandeep, against whom similar allegations have been levelled, have been granted the benefit of regular bail by this Court. He further submits that the trial is at the initial stage as there are 20 witnesses cited by the prosecution, out of which only two have been examined till date. He contends that the trial is not likely to conclude in near future and therefore, no useful purpose would be served by keeping him behind the bars.

5. *Per contra*, learned State counsel has opposed the bail of the petitioner by stating that the petitioner has played a vital role in the commission of offence and specific allegations have been levelled against him. He, however, could not controvert the factual assertion of the learned counsel for the petitioner as noticed above.

6. I have heard learned counsel appearing on behalf of the respective parties and with their able assistance, have gone through the custody certificate and record of the case.

7. Having considered the submissions of the learned counsel for the parties and keeping in view the actual custody period undergone by the

petitioner; that trial is not likely to conclude at an early date as till date, only two prosecution witnesses have been examined out of total 20 witnesses cited by the prosecution; similarly placed co-accused having less custody period than the petitioner, have been granted the concession of regular bail by this Court; and the antecedents of the petitioner, not being involved in any other criminal case as per the custody certificate, I deem it appropriate to enlarge the petitioner on bail.

8. The instant petition is allowed and petitioner-Mahinder is ordered to be released on bail subject to furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material/evidence available.

July 25, 2023

Harish

(VIKAS SURI)
JUDGE

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