

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-43308-2021
Decided on:-27.04.2023**

Vishal @ Tunda

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. V.B Godara, Advocate,
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

HARKESH MANUJA J.

By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.275 dated 20.05.2018, under Sections 307, 323, 324, 302 (added later on) read with Section 34 IPC, registered at Police Station City Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner is in custody for the last 2 years, 7 months and 15 days now and the investigation in the present case already stands concluded with the filing of challan followed by framing of charges, however, only 3 witnesses have been examined out of the total of 21 cited by the prosecution, thus, the trial is likely to take some time.

3. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that there are three other

cases registered against him, out of which in one, he already stands convicted, whereas in other two cases, trial is pending.

4. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

5. Considering the fact that the petitioner is behind the bars for the last 2 years, 7 months and 15 days now and the investigation in the present case already stands concluded with the filing of challan followed by framing of charges, besides it, all the material witnesses already stand examined including the complainant and injured, the trial likely to take some time, thus, I do not find any reason to extend his incarceration, any further. More than that, while granting regular bail, allegations in the FIR in question are to be seen primarily as has been held by the Hon'ble Supreme Court in case of ***“Prabhakar Tewari vs. State of U.P. and another”***, 2020(11) SCC 648 and ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”*** reported as 2012(2) SCC 382.

6. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

27.04.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No