

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41000-2022(O&M)
Date of Decision: January 12, 2023

SOMBIR

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.K. Gollen, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.238 dated 17.06.2021 under Sections 436, 323, 324, 326, 452, 307, 506, 201 & 34 IPC, later on Sections 326 and 452 of IPC were deleted and Sections 326-A and 457 of IPC were added, registered at Police Station Rohtak Sadar, District Rohtak.

Learned counsel for the petitioner contends that all the injuries attributed to the petitioner, and apart from that even to the other co-accused, are simple in nature and the offence under Section 326-A and 457 are not made out which has been added later on. He has also referred to the part of the investigation wherein the offence under Section 326 was deleted, particularly, considering the fact that none of the injury so caused to the victim could make out an offence under Section 326.

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh, AAG, Haryana, accepts notice and produced custody certificate which is taken on record.

A perusal of the same shows that the petitioner has already suffered 01 year 06 months and 23 days of custody so far, whereas the trial is at initial stage, wherein, out of 32 total witnesses, none has been examined though charges have been framed.

Considering the aforesaid fact, the petitioner is directed to be released on bail, subject to the satisfaction of CJM/Duty Magistrate Rohtak, as the trial is likely to take some more time and no fruitful purpose would be served by keeping the petitioner behind bars.

Disposed of.

(SANDEEP MOUDGIL)
JUDGE

12.01.2023

Sangeeta

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