

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116 (1)

CRM-M-42719-2023 (O&M)
Date of Decision: 20.12.2023

Jaideep
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Kamaldeep Singh Redhu, Advocate,
for the petitioner.

Ms. Ambika Sood, Addl. A.G., Haryana.

FIR No.	Dated	Section/s	Police Station
421	04.12.2022	148, 149, 323, 506 IPC (Section 326, 307 and 120-B IPC added later on)	Rohtak Sadar, District Rohtak

VIKAS SURI, J.
CRM-52550-2023

Prayer in the present application is for preponement of date of hearing of the main petition from 19.01.2024 to an early date.

Notice of the application.

Mr. Gurbir S. Dhillon, A.A.G., Haryana, accepts notice on behalf of the respondent-State and pleads no objection to the limited prayer made in the application being granted by this Court.

For the reasons mentioned in the application and the submissions noticed above, the instant application is allowed. The date of

hearing of main petition is preponed to today and with the consent of learned counsel for the parties, same is taken on board for consideration.

CRM stands disposed of.

CRM-M-42719-2023

1. The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of anticipatory bail in the above-captioned case.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is not named in FIR; no specific role has been attributed to the petitioner; he was arrested in this case on 05.03.2023 and since then, he is in custody; and as per the MLR of complainant, injuries No.1 and 2 were opined to be dangerous to life whereas injuries No.3 and 4 were opined to be grievous in nature but none of them have been attributed to the present petitioner. It is further submitted that the report under Section 173 Cr.P.C. stands presented before the trial Court but till date, charges have not been framed and therefore, trial would take time to conclude as there are 25 prosecution witnesses cited, who are yet to be examined. Therefore, it is prayed that the petitioner be granted the concession of regular bail as no useful purpose would be served by keeping him behind bars for an indefinite period.

3. Per contra, learned State counsel has opposed the present petition while placing on record custody certificate of the petitioner dated 19.12.2023. Learned State counsel submits that the name of the petitioner has surfaced in the statement of eye-witness, Ankur son of Anil Kumar, however, she could not dispute the fact that no specific role or injury has

been attributed to the petitioner therein. Learned State counsel further submits that the petitioner is involved in another case of similar nature, but has not been able to refute that in the said case, as mentioned in the custody certificate, petitioner is on regular bail. However, the factual aspects have not been denied.

4. Heard learned counsel for the petitioner and considered the rival contentions advanced by them.

5. In the present case, FIR was registered against some unknown persons and the petitioner was nominated as an accused thereafter. Neither any specific role has been assigned to the petitioner nor any injury has been attributed to him. The *challan* stands presented before the trial Court but till date, charges have not been framed. Thus, it can safely be inferred that the trial would take considerable time to conclude as there are 25 prosecution witnesses cited who are yet to be examined. As per the custody certificate, petitioner is in custody for more than 09 months and 14 days and no useful purpose would be served by keeping him behind bars for an indefinite period, hence, the present petition deserves to be accepted.

6. Accordingly, without commenting upon the merits of the case, the instant bail petition is allowed and petitioner is ordered to be released on regular bail, in case not required in any other case, subject to his furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.

7. It is made clear that the petitioner shall not influence the trial or any prosecution witnesses in any manner directly or indirectly.

8. Any observations or submissions noted above shall not be

construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available on record.

December 20, 2023

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(VIKAS SURI)
JUDGE

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