

SAWAN

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Kumar Jain, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 157 dated 30.04.2022 under Sections 323, 506, 307 IPC (Section 307 IPC added later on), registered at Police Station Sadar Safidon, District Jind.

Custody certificate has been taken on record.

Briefly, the FIR has been registered on the basis of the statement of Ashok Kumar alleging that on 28.04.2022 at about 10:30/11 PM, the petitioner had inflicted multiple brick blows on his forehead and hand. The complainant was rescued by Sandeep. Initially, he was taken to Govt. Hospital, Safidon and then shifted to PGIMS, Rohtak.

Learned counsel for the petitioner contends that initially, the FIR was registered under Sections 323, 506 IPC and subsequently, on the basis of medical opinion, the offence under Section 307 IPC has been added. During the course of trial, the complainant has not supported the prosecution version. So far only 2 out of 11 witnesses have been examined. The

petitioner is in custody for a period of 6 months and 27 days.

Learned State counsel has not assailed the aforesaid factual aspect but has opposed the bail application on the score that Sandeep, who was attracted at the spot is yet to be examined and the petitioner is involved in another case.

Be that as it may, the petitioner during the course of his statement in the trial Court has not supported the prosecution version. It is emerging in the statement that one person with muffled face has inflicted brick blows upon him. Otherwise, the injured is stated to be hale and hearty. The petitioner is in custody for a period of 6 months and 27 days. Though, he is involved in another case but the same is under Section 13 of Public Gambling Act. So far only 2 out of 11 witnesses have been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

25.01.2023

Janki

(VIVEK PURI)
JUDGE

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