

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

213

CRM-M-45999-2022 (O&M)

Date of Decision: 24.01.2023

Sunder Kumar @ Sagar

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by SI Ramavtar.

Mr. Ankit Aggarwal, Advocate,
for respondent No.2/complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.526 dated 23.06.2018 at Police Station Civil Lines, Karnal, under Sections 148/149/324/506/307/201 IPC
2. The FIR was lodged at the instance of Parveen Kumar, wherein it is alleged that on 18.06.2018 the petitioner alongwith his co-accused had inflicted injuries to him (complainant) as well as to Sanjiv Kumar with the help of sharp edged weapons. The petitioner is alleged to be armed with a knife and is attributed 2 stab wounds on the person of the complainant. The complainant was found to have sustained 6 injuries as per MLR and out of which 2 were in the nature of stab wounds.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant Parveen Kumar stepped into the witness-box during the proceedings of trial, he did not support the case of prosecution qua the petitioner and was declared hostile. Learned counsel for the petitioner has today passed on a certified copy of the statement of aforesaid Parveen Kumar recorded by the trial Court on 21.01.2023.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant/respondent No.2 has submitted that it is a case where the petitioner apparently has intimidated or won over the complainant. It has also been submitted that the other injured, namely, Sanjiv Kumar is yet to be examined. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months & 16 days and that he is not involved in any other case. It has also been informed that as on date only 1 PW out of cited 21 PWs has been examined.
5. This Court has considered rival submissions.
6. It is no doubt correct that the petitioner is specifically named in the FIR and is attributed specific injuries with the help of a knife. However, the petitioner is attributed injuries to the complainant only and not to the injured - Sanjiv Kumar. The aforesaid complainant has been examined during the proceedings of trial and has resiled qua the petitioner. The petitioner otherwise has been behind bars since the last more than 8 months. Conclusion of trial will take some time inasmuch as only 1 PW out of cited 21 PWs has been examined till date. In these circumstances,

further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**