

IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH

225

CRM-M-45930-2023 (O&M)

Date of Decision: 19.09.2023

DEEPAK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Deepak K. Sharma, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG Haryana.

Mr. Deepak Achint, Advocate for the complainant.

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**HARNARESH SINGH GILL, J.(Oral)**

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.609 dated 11.10.2022, registered under Sections 147, 149, 323, 506 IPC and Sections 302, 307, 325, 201, 216 IPC (added later on), at Police Station Hisar Civil Lines, District Hisar.

Learned counsel for the petitioner submits that though the petitioner has been named in the FIR, yet the fact remains that no injury on the person of deceased has been attributed to the petitioner; that an injury, attracting Section 325 IPC, on the person of complainant/eye-witness is attributed to the petitioner; that no recovery was effected from the petitioner and that the petitioner has been in custody since 21.10.2022. He further submits that similarly situated co-accused, namely, Mohit, has already been granted the concession of regular bail by this Court vide order dated 16.08.2023 and that post framing of the charges, the prosecution evidence is yet to commence and there are total 39 witnesses.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant do not dispute the custody period of the petitioner.

Learned counsel for the complainant submits that the petitioner had inflicted injury on the person of complainant/eye-witness, who is yet to be examined and that the said injury falls under Section 325 IPC. He further submits that the material prosecution witnesses are yet to be examined and thus, the petitioner be not granted regular bail.

I have heard the learned counsel for the parties.

Though the petitioner has been named in the FIR, yet the fact remains that no injury on the person of deceased has been attributed to the petitioner. No recovery was effected from the petitioner. The petitioner has been in custody since 21.10.2022. Co-accused has since been enlarged on bail. Only injury, attracting Section 325 IPC, on the person of complainant/eye-witness is attributed to the petitioner. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

**19.09.2023**

Aman Jain

**(HARNARESH SINGH GILL)**  
**JUDGE**

*Whether speaking/reasoned*

:

*Yes/No*

*Whether reportable*

:

*Yes/No*