

CRM No. M-45916-2023

2023:PHHC:123578

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-45916-2023

Date of Decision : 20.09.2023

Meer Hasan

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Akshit Aggarwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

Learned State counsel produces the custody certificate of the petitioner in Court today. The same is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 264, dated 30.05.2023, registered under Sections 148, 149, 323, 506 IPC (Section 307 IPC added later on) at Police Station Sadar, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner argues that petitioner is a 64 years old, who has wrongly been implicated in the present case. Learned counsel for the petitioner submits that it is a case of version and cross version and both the parties had suffered injuries and it is yet to be established as to which party was aggressor, hence, keeping in view the fact that investigation is already over and the challan has already been presented, the petitioner being a senior citizen, be granted concession of regular bail, especially when there is no allegation upon him of inflicting any injury,

which was dangerous to life.

Notice of motion.

Mr. Saurabh Mohunta, learned Deputy Advocate General, Haryana. keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that in the present case, the injuries were inflicted in a group by all the accused persons and that too on the head of the victim, due to which, the victim was in coma, hence, the prayer of the petitioner for the grant of regular bail may kindly be declined. Learned State counsel though, concedes the fact that as of now the investigation is over and the challan has already been presented.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the present is a case of version and cross-version and the aggressor party is yet to be established keeping in view the evidence which will come on record during the trial coupled with the fact that the petitioner is a senior citizen and there is no specific allegation alleged against the petitioner of causing the injury, which resulted into invoking of Section 307 IPC and as the investigation is already over and challan has already been presented, the trial is likely to take some time before the same concludes, no useful purpose will be solved keeping the petitioner, who is a senior citizen and had also suffered injuries, behind the bars, the petitioner has made out a case for the grant of regular bail.

Learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. It is made clear that in case,

any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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