

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.212

Case No. : CRM-M-51793-2022

Date of Decision : March 21, 2023

Sonu

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. D.P.S.Bajwa, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.381 dated 25.09.2018, under Sections 323, 325, 34, 341 and 506 IPC (Section 307 IPC added later on), registered at Police Station Sadar, District Fatehabad.

As per the allegations, on 24.09.2018, the petitioner along with other co-accused, way-laid the complainant Vishnu and his friend Sonu son of Prithvi Singh and parked their vehicle in front of the car of the complainant. Beatings were given to the complainant and his friend Sonu with wooden Bindas. The petitioner also gave brick blow on the head of the complainant and the said injury was declared as dangerous to life.

Learned counsel for the petitioner has submitted that the

petitioner is in custody since 21.01.2022. Challan has already been

presented. It is further submitted that the complainant namely Vishnu Kumar was examined as PW-1 and his friend Sonu son of Prithvi Singh was examined as PW-2. PW-1 Vishnu stated in his cross-examination that petitioner and others were not the persons, who caused injuries to him and his friend. PW-2 Sonu also did not support the prosecution version and was declared hostile. So, the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the prayer made by learned counsel for the petitioner, has submitted that on 24.09.2018, the petitioner along with his friends, restrained the complainant Vishnu and Sonu and gave them beatings with wooden bindas. He has further submitted that even though the petitioner was confined in jail, he managed to influence the witnesses and won over them. There are four other cases registered against the petitioner. Therefore, he does not deserve the concession of regular bail.

Heard.

The evidence recorded during trial of the case cannot be appreciated at this stage. PW-1 Vishnu stated in his cross-examination that petitioner and others were not the persons, who caused injuries to him and his friend. PW-2 Sonu also did not support the prosecution version and was declared hostile. The petitioner is in custody since 21.01.2022. Pendency of other cases is no ground to refuse concession of bail to the petitioner.

Keeping in view the custody period of the petitioner; the fact that the complainant/eye-witnesses have been examined but their testimony is debatable about the involvement of the petitioner in this case; the challan

has also been presented and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Fatehabad.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

March 21, 2023
monika

(GURBIR SINGH)
JUDGE

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