

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 54774-2022 (O&M)
Date of Decision: 27.01.2023

Mohit Kumar

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Kunal Dawar, Advocate
for the complainant.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 492 dated 17.08.2022, under Sections 323, 506 IPC and later on added Sections 325, 367, 120-B, 34 IPC registered at Police Station Palla, District Faridabad, Haryana .

Learned counsel for the petitioner contends that the petitioner has been implicated falsely and is behind bars since 19.08.2022. He submits that the investigation of the case is complete and challan stands filed on 18.10.2022 and the only role attributed to the petitioner is that he along with co-accused gave *danda* blows to the complainant but no serious injury has been attributed to him. Learned counsel further submits that the

complainant has changed his entire version which is totally contrary to the MLR dated 16.08.2022, which clearly mentions that he was hospitalized due to road side accident and he was under the impression of liquor but later he told that the injuries suffered by him was due to *danda blows* given by the petitioner. He prays that the petitioner is not involved in any other case of similar nature and that the trial of the case is yet to commence, therefore, the petitioner be released on regular bail during the pendency of the trial.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature. However, he has not disputed that the investigation of the case is complete and the challan stands filed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 19.08.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, considering the above background, custody of the petitioner and the fact that challan has already been filed, but the trial is yet to commence, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

27.01.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>