

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRM-M-54291-2023

Date of decision: 06.11.2023

Vicky and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Atul Pratap Dhankhar, Advocate with
Ms. Janya Sirohi, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.255 dated 30.08.2022 under Sections 147, 148, 149, 302, 307, 341, 427 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Kalanwali, District Sirsa.

2. Learned counsel for the petitioners while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, submits that a perusal of the same reveals that the petitioners have not been attributed any injury much less on the deceased. He submits that as per the allegations the petitioners were armed with a stick which they hit on the car of the complainant. Learned counsel submits that the petitioners have been in custody since 01.09.2022; challan was presented on 29.11.2022 and thereafter charges also stand framed. However, none of the 28 prosecution witnesses have been examined till date, hence, it is evident that the trial would take considerable time to conclude.

3. Per contra, learned State while opposing the prayer made

by counsel opposite, on instructions, has not disputed that no injury much less on the deceased has been attributed to the petitioners, however, he submits that the petitioners were part of the unlawful assembly and at the relevant time were armed with sticks with which they hit the car of the complainant. Learned State counsel, on further instructions, has informed the Court that the next date fixed before the Trial Court is 06.11.2023 when prosecution evidence is likely to commence.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The trial is unlikely to conclude in the near future. The petitioners have been in custody for more than a year having been arrested on 01.09.2022. As also not disputed by the learned State counsel, no injury much less fatal has been attributed to the petitioners. In the facts and circumstances as enumerated hereinabove and the nature of allegations levelled against the petitioners, this Court deems it fit to extend the concession of bail to the petitioners.

6. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.11.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No