

105+228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-52166-2023 in/and
CRM-M-54284-2023
Date of Decision: 14.12.2023

Asif ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Ravi Malik, Advocate for
Mr. Ashik Ali, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Sanjay Kumar Saini, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)**CRM-52166-2023**

1. Application is allowed as prayed for. Annexure P-3 is taken on record.

CRM-M-54284-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.169 dated 01.07.2023 registered under Sections 308, 323, 324, 452 read with Section 34 and 506 of IPC, 1959, at Police Station Sanoli, District Panipat.

2. The FIR in the present case was registered on the basis of the statement made by Nausad. As per him, at about 8.30 p.m. Naushad Chhada arrived at his shop and after taking juice, he did not pay the price and due to

this, an altercation took place between them. After about 10-15 minutes, Naushad Chhada, his brother Parvej, Mujahir and Asif (petitioner/accused), armed with knives and punches, entered his shop and Parvej gave knife blows near his shoulder below neck and shoulder. All of them made him fell down and gave multiple blows with knives on his body. He raised the alarm to save him and Vasil and Jishan came there. On seeing them, the assailants fled from the spot while threatening them.

3. Learned counsel for the petitioner contends that that the petitioner has been falsely involved in the present case. As per the MLR, Nausad had suffered the following two injuries:-

“(i) Incised wound of six 4 x 1 cm 3 x 1 cm and 2 x 1 cm and 1.5 x 1 cm and 2 x 1 cm present over back. Advice X Ray chest and Surgeon opinion.

(ii) Incised wound of size 4x1 cm present over the parieto occipital region. Advice NCCT head and surgeon opinion.”

4. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 03.07.2023 and is in custody for the last more than 5 months. He further contends that the charge has been framed in the present case on 28.09.2023 and no witness has been examined so far. Thus, further custody of the petitioner will not serve any meaningful purpose.

5. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner. It is contended that the petitioner is a vagabond and is likely to repeat the crime.

6. I have heard the learned counsel for the parties and perused the record.

7. The petitioner is in custody for the last more than 5 months. The charge has been framed against the petitioner on 28.09.2023, however, no witness has been examined so far. Thus, the custody of the petitioner will not serve any meaningful purpose.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

14.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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