

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59006-2022
Date of decision: 26.04.2023

Gourav ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the present petition under Section 439 Cr.PC seeking regular bail in case FIR No.96 dated 21.02.2022 under Sections 323/341/506/34 of IPC, 1860 (Sections 324/326 of IPC added later on) registered at Police Station Narnaund, District Hisar (Annexure P-1).

2. Learned State counsel has filed the status report dated 25.04.2023 which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

3. That as per allegations, on 20.02.2022, an intimation along-with MLR was received at police station Narnaund qua injured Vikas who had been referred to Government Hospital, Hisar. Due to late hours, statement could not be recorded. On 21.02.2022, HC Krishan alongwith constable Harpal reached at Government Hospital, Hisar and recorded the statement of injured Vikas, on being declared fit for statement by the doctor. As per statement, on 19.02.2022, he along-with his wife Chanchal and his mother Beera had gone to attend the marriage of Mehar Singh son of Satbir who is cousin of his mother. On

20.02.2022, he was present at Narnaund in the marriage of Satbir. At around 2:00 PM, when he was having his food, four boys obstructed his way. They had consumed alcohol. They started abusing him. Two boys picked up the iron skimmer and one boy picked up the griddle and caused injuries. All four of them threatened to kill him while leaving the spot. On the basis of these allegations, present FIR was got registered. During investigation, the doctor found three injuries on the person of Vikas and reported injury no.1 grievous fracture and injuries no. 2 and 3 simple in nature whereupon Section 326 of IPC was added.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is not involved in any other case. He further submits that the petitioner is in custody since 28.04.2022; investigation is complete; challan has been presented; charges have been framed and all the prosecution witnesses have been examined except one; trial is likely to take considerable time to conclude and the case is now fixed for 27.04.2023 for prosecution evidence. Therefore, further detention of the petitioner in the custody would not serve any fruitful purpose as it is a magisterial trial.

5. Per contra, learned counsel for the State, while placing on record reply and custody certificate submits that keeping in view the allegations levelled against the petitioner, he is not entitled for grant of concession of regular bail, however, she could not refute the fact that the petitioner is in custody for the last 11 months and 28 days and the trial is likely to take considerable time to conclude and the petitioner is not involved in any other case.

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

7. Keeping in view the custody of the petitioner which is 11 months and 28 days; investigation is complete; challan has been presented; charges have been framed and the prosecution witnesses have been examined except one and the nature of trial is magisterial, which is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

8. 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/Duty Magistrate concerned.

9. Accordingly, the present petition stands disposed of.

26.04.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

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