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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-7325-2024

Date of Decision:22.05.2024

VIKESH SAINI

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.127 dated 09.03.2023 registered for the offences punishable under Sections 148/149/323/324/120-B/307/506 of IPC and Section 42 of Prisoner Act at Police Station City Jagadhri, District Yamuna Nagar, Haryana.

2. As per the allegations bearing on record, a fight took place between two groups inside the jail premises, as a result of which Manbir Chahal, Digvijay and Vipul sustained injuries. The petitioner who was not mentioned in the FIR was later on nominated as an accused and was arrested on 04.11.2023.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case and is in custody for the last more than six months and the only allegation against the petitioner is that at the time of occurrence, he gave fist and kick blows to injured Manbir Chahal. He further submits that trial is at initial stage and it will take time for it's conclusion.



4. The State counsel while resisting the present petition submits that the petitioner was a member of unlawful assembly and he actively participated in the occurrence and he gave fist and kick blows to Manbir Chahal. However, State counsel has not disputed the fact that the petitioner is in custody for the last more than six months and that it will take time for the trial to terminate.

5. I have considered the submissions made by the counsel for the parties.

6. In light of the fact that only simple injuries are attributed to the present petitioner, who is incarcerated for the last more than six months and the trial is at its initial stage and the culpability, if any, of the petitioner would be unfolded and determined at the time of trial thus, in the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

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

(KARAMJIT SINGH)
JUDGE

May 22nd, 2024
Anu

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