



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211 **CRM-M-8323-2024**
Date of Decision : November 26, 2024

ARUN ALIAS HONEY **-PETITIONER**

V/S

STATE OF HARYANA **-RESPONDENT**

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through this third petition cast under Section 439 of the Cr.P.C., the petitioner prays for him being granted the concession of regular bail, in case FIR No.122 dated 11.03.2022, under Sections 147, 148, 149, 307, 323, 341, 506 of the IPC, registered at P.S. City Mandi Dabwali, District Sirsa.
2. Succinctly stated, the allegation against the petitioner is that, he gave a knife blow on left side of injured Ajay's chest.
3. The learned counsel for the petitioner opts not to address any arguments on merits of the case, rather confines the sphere of his arguments only to the period of incarceration suffered by the petitioner, besides the stage of trial. He submits that, now almost all the prosecution witnesses have been examined and the petitioner has already suffered incarceration of approx. 02 years and 08 months. He also submits that,

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although the petitioner was involved in one more FIR, however, he has been acquitted therein.

4. The learned counsel for the petitioner also submits that, vide order dated 14.11.2023 (Annexure P-4), although petitioner's earlier bail petition was dismissed as withdrawn by a Co-ordinate Bench of this Court, however, petitioner's co-accused Ajay Kumar was released on bail.

5. *Per contra*, the learned State counsel vociferously opposes the grant of regular bail to the petitioner, on the ground that, there are specific allegations against the petitioner and the injury(ies) suffered by the injured has been declared "dangerous to life".

6. Moreover, on instructions imparted to him by the official/officer concerned, the learned State counsel submits that, since all the prosecution witnesses have now been examined, therefore, the instant petition may be dismissed. He also files the custody certificate of the petitioner, which is taken on record.

7. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

8. Be that as it may, considering the fact that: (i) as per the custody certificate dated 25.11.2024, as placed on record by the learned State counsel, the petitioner has suffered incarceration of 02 years and 08 months till 25.11.2024; (ii) although the petitioner was involved in one more FIR, however, as per the custody certificate (supra), he has been acquitted therein; (iii) all the prosecution witnesses stand examined; (iv) petitioner's co-accused Ajay has already been granted the concession of bail, vide order dated 14.11.2023 (Annexure P-4); this Court deems it



appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 26, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No