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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-9889-2024(O&M)  
Date of decision:-29.02.2024

GOVIND @ HAPPY

...   Petitioner

Versus

STATE OF HARYANA

...   Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:-     Mr. Samay Singh Sandhawalia, Advocate  
                  for the petitioner.

                  Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

Custody certificate dated 28.02.2024 has been filed by learned counsel for the State. The same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2.             The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections                                 | Police Station                 |
|---------|------------|------------------------------------------|--------------------------------|
| 536     | 16.10.2023 | 148, 149, 323, 325, 307,<br>201, 506 IPC | Kharkhoda, District<br>Sonipat |

3.             It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He

contends that as per the case of the prosecution the allegations against the petitioner is that he has inflicted brick blow on the head of the complainant which was declared grievous in nature. He submits that the challan has already been presented in Court and the petitioner is in custody since 19.10.2023. He submits that prosecution has cited 25 witnesses and none of them have been examined till date and the petitioner cannot be allowed to suffer incarceration any longer, hence he prays for grant of bail.

4. Per contra, learned counsel for the State submits that the petitioner does not deserve concession of bail, considering the gravity of the offence, however he has not disputed the fact that challan has been presented in Court wherein 25 witnesses have been cited by the prosecution but none of them has been examined till date.

5. Mr. Vikas Gulia, Advocate has put in appearance on behalf of the injured complainant and filed Power of Attorney, the same is taken on record. He has categorically stated that the complainant injured has no objection in case the petitioner is admitted to bail.

6. After considering the rival contentions and going through the record, it transpires that the petitioner after having been arrested in this case on 19.10.2023 is in custody, challan has already been presented in Court but the charges have yet not been framed. It is worth mentioning here that the learned counsel for the complainant-injured has categorically stated during course of proceedings that the complainant has no objection in granting bail to the petitioner. Although the offences are not compoundable but considering the specific assertion in this regard on behalf of the complainant-

injured coupled with the fact that the petitioner is in custody since 19.10.2023 and 25 witnesses have been cited by the prosecution and none of them have been examined till date. In these circumstances, the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner in custody any longer.

7.                Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8.                Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

29.02.2024

|      |     |                            |        |
|------|-----|----------------------------|--------|
| Gyan | i)  | Whether speaking/reasoned? | Yes/No |
|      | ii) | Whether reportable?        | Yes/No |