

2024:PHHC:037861

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

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CRM-M-12464-2024
Date of Decision : March 15, 2024

KARAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D.S.Virk, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.0380 dated 2.9.2023, Under Sections 148, 149, 323, 341, 506 IPC (Sections 307 and 325 IPC added later on), registered at Police Station Elenabad, District Sirsa.
2. The prosecution agency was set into motion on a statement made by one Sanjay Kumar, with the allegations that the present petitioner alongwith co-accused had caused injuries to the complainant with sharp edged weapons.
3. Learned counsel for the petitioner submits that the name of the petitioner has been dragged in this false and fabricated case without any reason and he is behind the bars since 23.9.2023. He further submits that the petitioner is not involved in any other case. He further submitted that the trial is at initial stage and conclusion of the same may take some

time. He also submitted that the recovery has already been effected and nothing has to be recovered from the petitioner, as the prosecution has completed its investigation, and thereafter, final report under Section 173 Cr.P.C. has already been submitted before trial Court on 15.1.2024 and the charges have already been framed on 30.1.2024 and now the case is fixed for 20.3.2024 for prosecution evidence.

4. Per contra, the learned State counsel has vociferously opposed the grant of regular bail to the petitioner on the ground that the witnesses are yet to be examined and the petitioner may influence the private witnesses. He further submitted that the allegations are grave in nature, therefore, the petitioner does not deserve the relief of regular bail.

5. This Court has examined the present case in its totality. The learned State counsel has filed the custody certificate issued by the official concerned and the same is taken on record which strengthens the arguments of the learned counsel for the petitioner that the petitioner is behind the bars from 23.9.2023. The learned State counsel on instructions imparted to him by the official concerned submits that the final report under Section 173 Cr.P.C. has already been submitted before trial Court on 15.1.2024 and the charges have already been framed on 30.1.2024 and now the case is fixed for 20.3.2024 for prosecution evidence.

6. Considering the length of incarceration and the stage of the trial coupled with the fact that the injury No.1, which is declared as dangerous to life is attributed to one of the co-accused, namely, Sonu, who is stated to be behind the bars and final report under Section 173

Cr.P.C. stands presented before the learned trial Court on 15.1.2024, and the petitioner is not involved in any other case, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is allowed.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. 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.

March 15, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No