



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208 CRM-M-18622-2024
Date of Decision: 19.07.2024

Sohna Singh
....Petitioner
Versus

State of Haryana
....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Naveen Sharma Bhardwaj, Addl. A.G. Haryana.

FIR No.	Dated	Section(s)	Police Station
268	21.08.2023	148, 149, 323, 324 and 506 IPC (Sections 307 and 326 IPC and Section 25 of Arms Act added later on)	Ram Nagar, Karnal.

VIKAS SURI, J. (Oral)

1. This petition under Section 439 Cr.P.C. has been filed by petitioner Sohnna Singh for grant of regular bail in the above captioned FIR.
2. Learned counsel for the petitioner has contended that no overt act has been attributed to the petitioner in the FIR. The investigation is complete; challan/final report as envisaged under Section 173(8) Cr.P.C stands presented on 23.10.2023 and charge is yet to be framed; no recovery is to be effected

from the petitioner; the injury declared grievous or the one that has attracted the offence of Section 307 IPC (added later on) is not attributed to the petitioner; and petitioner is not involved in any other case. The petitioner was arrested on 31.08.2023 and has been in custody for more than 10 months. The trial is yet to commence and its conclusion will take considerable time, therefore, no purpose would be served by keeping the petitioner behind bars for an indefinite period.

3. Upon notice, reply by way of affidavit of Meena Kumari HPS, Deputy Superintendent of Police, Women Safety, Karnal has been filed on behalf of the State. The custody certificate of the petitioner dated 06.07.2024, has been filed in Court today, showing actual undergone period as 10 months and 06 days.

4. Per contra, learned State counsel has opposed the grant of regular bail to the petitioner adverting to the reply and custody certificate, filed in the present petition. However, the factual aspect has not been controverted. Concededly, as submitted in para 7 of the reply, the allegation against the petitioner is of having inflicted injuries on the person of Vikas and his father (Jitender) with slaps and kicks, which are simple in nature. The proceedings before the trial Court are now pending for 25.07.2024.

5. I have heard learned counsel for the parties and considered the rival contentions.

6. Keeping in view the fact that the petitioner has been in custody since 31.08.2023; nature of the injuries attributed to the petitioner; the

investigation is complete; challan stands presented, however, charge is yet to be framed, therefore, it can be safely inferred that the conclusion of trial will take considerable time and no purpose would be served by further detaining the petitioner for an indefinite period. Without commenting upon the merits of the case and keeping in view the aforesaid as well as the circumstances peculiar to this case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of trial, on his furnishing bail-bond and surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Karnal.

7. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner, directly or indirectly.
8. However, any observation made herein-above shall not be construed as an expression of opinion on the merits of the case.

(VIKAS SURI)
JUDGE

July 19, 2024
Varinder

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