



110+220 IN THE HIGH COURT OF PUNJAB AND HARYANA
FAT CHANDIGARH

CRM-48009-2024 in/and
CRM-M-34996-2024
Date of Decision: 03.12.2024

Hamid ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ashish Aggarwal, Senior Advocate with
Mr. Vipul Aggarwal, Advocate and
Mr. Anmol Rattan S. Dhillon, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Farukh Abdullah, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-48009-2024

1. Application is allowed, subject to just exceptions. Annexures A-1 and A-2 are taken on record.

CRM-M-34996-2024

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail in case FIR No.215 dated 25.10.2023 registered under Sections 148, 149, 323, 506 of IPC (Sections 325, 307, 201, 34 of IPC added subsequently), at Police Station Nagina, District Nuh.

2. Learned Senior counsel for the petitioner contends that the alleged occurrence had taken place on 21.10.2023, but the FIR was registered in the present case on 25.10.2023 and the delay of 04 days was utilized by the prosecution in coining of a false version. Learned Senior counsel further



contends that as per case of the prosecution, the petitioner had caused an injury with an iron rod on the head of Hujefa, injured, who had allegedly suffered fracture of right temporal bone. He further contends that even the medical record pertaining to the said injury was manipulated by the police in collusion with the complainant. Learned Senior counsel further contends that as per the prosecution, Mohd. Saad, co-accused had caused an injury to Sarfaraj and the said injury has been declared to be dangerous to life. He further contends that the petitioner was arrested in the present case on 29.02.2024 and the final report under Section 173 Cr.P.C. has already been presented against him on 26.03.2024. He further contends that the prosecution has placed reliance on 21 prosecution witnesses, but only two witnesses have been examined so far. Thus, conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned Senior counsel for the petitioner on the ground that the petitioner along with other co-accused had caused serious injuries on the person of Hujefa and Sarfraj and the petitioner is involved in a serious crime.

4. I have heard the learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner is in custody for the last more than 09 months and after completion of the investigation, challan has already been presented against him. Moreover, the trial is at the initial stage and there are no chances of early conclusion of the trial in the present case. Apart from that, there is no evidence on record to show that the petitioner is in a position to



influence the witnesses of the prosecution or may abscond from the process of law.

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

03.12.2024.
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(N.S.SHEKHAWAT)
JUDGE

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