

2024:PHHC:099860

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.116

CRA-S-2663-2024 (O&M)
Date of decision:05.08.2024

Sonu

...Appellant

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

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

N.S. SHEKHAWAT, J.

1. By way of filing the present appeal, the appellant has approached this Court, challenging the impugned order dated 28.06.2024 passed by the Additional Sessions Judge-cum-Judge, Special Court-cum-Vacation Judge, Kaithal, whereby the bail application has been dismissed in FIR No. 71 dated 25.02.2024 registered under Sections 307/323/341/506/34/120-B IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the SC & ST Act at Police Station, Pundri, District Kaithal.

2. Learned counsel for the appellant submits that the appellant has been falsely involved in the present case with some ulterior motive. He further submits that as per the case of the prosecution, three persons, namely, Mohit, Sachin and one unknown person had obstructed the victim from moving and was attacked by the said persons. Even multiple punctured wounds with an ice-pick were inflicted on his body and caste related abuses were hurled. The victim was allegedly rescued by the villagers and on the

complaint of the victim, FIR was registered. Learned counsel next submits that the appellant was not named as an accused in the present case and has been nominated as an accused on the basis of disclosure statement suffered by the co-accused. Even as per the case set up by the prosecution, the appellant had given blows with kicks and fists and after the victim had fallen on the ground, he also caused injuries to the injured. He, however, submits that no specific injury has been attributed to the appellant. Learned counsel also submits that now the injured has already been discharged from the hospital and is now hale and hearty. The appellant was arrested in the present case on 20.03.2024 and is in custody for the last more than four months. The final report under Section 173 Cr.P.C. has already been presented before the competent court of law and the conclusion of the trial may take quite long time.

3. Notice of motion.

4. On the asking of Court, Ms. Sheenu Sura, DAG, Haryana, accepts notice on behalf of the respondent-State. She has vehemently opposed the submissions made by the learned counsel for the appellant on the ground that the police has collected sufficient incriminating material against the appellant and his involvement in the commission of crime has been established during the course of investigation.

5. I have heard the learned counsel for the parties and perused the case file.

6. The appellant is in custody for the last more than four months. Even though, the appellant is stated to be involved in two more cases, but he

is on bail. Challan has already been presented in the competent court of law and trial is not likely to be concluded in near future.

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

8. Pending application, if any, shall also stand disposed of.

05.08.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO