

226

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41329-2023
Date of decision:- 01.02.2024

SUKRAM @ KALA

....Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Joginder Siwach, Advocate for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 01.02.2024 of Deputy Superintendent of Police, Barwala, Hisar, 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
256	30.03.2023	323, 450, 506, 34 IPC	Barwala, District Hisar

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

due to party faction. He submits that the petitioner is in custody since 04.07.2023 and the challan has already been presented in Court. He submits that injury attributed to the petitioner is simple in nature caused with stick which has already been recovered from him. He submits that although the police had wrongly mention offences under Section 450 being attracted in the present case to make the occurrence grievous and Sessions triable. He submits that petitioner has already remained in custody for sufficient period , as such he prays for grant of concession of bail to the petitioner.

4. Learned State counsel submits that challan has been presented in Court on 31.08.2023 and none of the witnesses out of 15 witnesses cited by the prosecution have been examined. He has not disputed the factual matrix of the case that the injury attributed to the petitioner is simple in nature with a stick, which has since been recovered during the investigation.

5. After considering the rival contentions and perusing the record as well as reply filed by the State, it is not disputed that the injuries sustained by the injured and attributed to the petitioner are simple in nature as per Annexure R-2 and the wooden stick allegedly used by the petitioner has been recovered by the police. Whether or not the offences under Section 450 IPC is attracted to the facts and circumstances of the present case is debatable. The petitioner is in custody since 04.07.2023, challan has already been presented in Court, meaning thereby, the petitioner is not required for further interrogation and prosecution has cited 15 witnesses and none of them have been examined so far. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioner may take sufficient long time and no useful purpose would be served by keeping the petitioner

behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in 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.

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

(SANJIV BERRY)
JUDGE

01.02.2024

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No