

NITIN ALIAS MALU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Ms. Sweta Beniwal and Mr. Rajender Kumar, Advocates
Mr. Aman Pal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of affidavit dated 24.09.2024 of Deputy Superintendent of Police, Samalkha, Panipat alongwith custody certificate dated 15.10.2024. The same are taken on record, copies thereof have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
211	07.12.2023	148, 149, 307, 323, 325, 341 and 506 IPC	Bapoli, Panipat



3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that no specific overt act is attributed to the petitioner nor any injury is specifically attributed to him. He contends that the petitioner was nominated in the supplementary statement of the injured and he is in custody since 27.02.2024 and after completion of investigation, challan has already been presented in Court and even the victim has been discharged from the hospital, as such he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner has participated in the occurrence alongwith the other co-accused in causing injuries to the complainant. However he has admitted that challan has already been presented in Court wherein 20 witnesses have been cited by the prosecution and till date none of them have been examined. He has also not disputed the fact that no specific overt act or injury had been attributed to the petitioner.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was nominated in the supplementary statement of the victim to have participated in the occurrence and consequently he was arrested on 27.02.2024 and recovery of wooden danda was effected from him, however it is not disputed that no specific overt act or specific injury has been attributed to the petitioner although the petitioner is having some other criminal cases registered against him but he is stated to be on bail



therein. Admittedly, the victim has since been discharged from the hospital and after completion of investigation, challan has already been presented in Court wherein 20 witnesses have been cited by the prosecution but till date none of them have been examined. In this manner, the conclusion of trial, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by 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.

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

(SANJIV BERRY)
JUDGE

16.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |