



CRA-S-2956-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CRA-S-2956-2024
Date of Decision : 25.09.2024

Arun Chhokar ...Appellant

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.S. Bairagi, Advocate
for the appellant.

Mr. Rajesh Gaur, Addl. AG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, challenge is thrown to the order dated 18.07.2024, passed by the learned Additional Sessions Judge (Fast Track Court), Faridabad, whereby, the relief for grant of regular bail to the appellant, in case FIR No.564 dated 25.10.2019 under Sections 323 and 506 of the IPC, 1860, and under Section 3 of the SC/ST Act, 1989 registered at Police Station Sadar Ballabgarh, District Faridabad, Haryana (Annexure P-1), has been declined
2. Learned counsel for the appellant, submits that the appellant was earlier granted the relief of regular bail, but on account of his non-appearance on two dates, i.e. on dated 27.07.2023 and 08.03.2024, the learned trial Court concerned, issued non-bailable warrants of arrest against him. Furthermore, the appellant also surrendered before the learned trial Court concerned, on dated 06.06.2024.

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3. Learned counsel for the appellant further submits, that in the instant case, all the injuries are stated to be simple in nature, therefore, only the provisions of Section 323 of the IPC, 1860, has been invoked by the prosecution, apart from Section 506 of the IPC, 1860, and Section 3 of the SC/ST Act, 1989. The appellant is stated to be behind the bars since 06.06.2024, after his surrender.

4. Learned State counsel has also placed on record the custody certificate dated 23.09.2024, qua the appellant, today in the Court. The same is taken on record, which reflects that the appellant has suffered incarceration of 04 months and 26 days.

5. Status report dated 19.09.2024, by way of affidavit of Mr. Jitesh Kumar, HPS, Assistant Commissioner of Police, Tigaon, on behalf of the respondent-State of Haryana, also furnished by learned State counsel today, in the Court. The same is ordered to be taken on record.

6. Learned State counsel, on instructions imparted to him, from the Investigating Officer concerned, opposed the grant of concession of regular bail to the appellant, on the ground that the appellant had jumped the bail twice, and he remained absent, before the learned trial Court, concerned.

7. This Court has heard the rival submission of the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons hereinabove extracted :-

(i) that the appellant has suffered incarceration of about 04 months and 26 days, and the injury inflicted by the appellant, is simple in nature;

(ii) That the appellant is not involved in any other case, except the instant case;

(iii) That the trial is at the initial stage, in the instant matter and only 05 prosecution witnesses out of total 12 prosecution witness, have been examined, as cited by the prosecution and conclusion of the trial will take long time.

8. Keeping in view the facts and circumstances of the case, without commenting anything on the merits of the case, further incarceration of the appellant is not warranted at all, at this stage. Accordingly, the instant petition is **allowed**, and the order dated 18.07.2024, passed by the learned Additional Sessions Judge (Fast Track Court), Faridabad, is hereby **set aside**.
9. The appellant is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
10. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 25, 2024
Manpreet

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