

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.47069 of 2023
Date of decision: 12th January, 2024

Tek Chand @ Taku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Sonia G. Singh, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.67 dated 08.02.2023 under Sections 323, 324, 336, 285, 506 IPC and Section 25 of the Arms Act, 1959 (Sections 307, 326, 427 IPC added later on) registered at Police Station Pinjore, District Panchkula.

2. Learned counsel for the petitioner inter alia contends that it was a sudden occurrence which took place on 07.02.2023. She submits that the petitioner allegedly inflicted a brick blow on the head of the injured Rakesh, however, there was no medical evidence to corroborate the said allegation as injured Rakesh was never medically examined. It has been further submitted that the petitioner has been in custody since

18.03.2023; the investigation in the case in hand is complete and the next date of hearing fixed before the trial Court is 02.02.2024 when the prosecution evidence is likely to commence. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose. She has also submitted that the petitioner has clean antecedents as he is not involved in any other criminal case.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Birender, has not disputed that the grievous injuries have been attributed to the co-accused Kirpal Singh. It has also not been disputed that the petitioner has been attributed only a brick blow on the head of the injured Rakesh.

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

5. Prima facie, it appears to be a case of sudden occurrence. Investigation in the case in hand is complete, as not only challan stands presented but even charges have been framed. The trial will take considerable time to conclude as none of the 21 witnesses cited by the prosecution have been examined so far. As conceded by the learned State counsel, the petitioner is not involved in any other criminal case. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition

as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 12, 2024
rps

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