

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59896-2023

Date of Decision: January 12, 2024

SURENDER KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mohit Rathee, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.115 dated 27.02.2023 registered under Sections 148, 149, 323, 307, 324, 326 and 506 of IPC and Sections 25, 54 and 59 of Arms Act at Police Station City Gohana, District Sonipat wherein, the petitioner has been implicated for having injured the complainant and one Deepak.
2. The prayer made herein has been opposed at the instance of learned State counsel on instructions from ASI Virender, while referring to the weapon of offence and injuries inflicted upon the victim-Deepak wherein, specific attribution has been made against the present petitioner.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. A perusal of the paper-book shows that investigation in the present case already stands concluded with filing of challan followed by framing of charges. Importantly, during trial, the injured/witnesses namely Sagar and Deepak who appeared as PW-1 and PW-2 neither supported the prosecution version nor even identified the petitioner. Even otherwise, the petitioner is already behind the bars for the last more than nine and a half month and no useful purpose is going to be served by extending his incarceration. In view of the aforesaid, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

12.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

