

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

2024:PHHC:060039
CRA-S-3613-2023

1.

VIKAS

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

2.

CRA-S-3555-2023

ASIF

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

Date of decision: May 01, 2024

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Arora, Advocate
for the appellant
(in CRA-S-3613-2023).

Mr. D.K. Prajapati, Advocate
for the appellant
(in CRA-S-3555-2023).

Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana.

Mr. Amit Khari, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant in both the appeals detailed hereinabove, are impugning the order dated 18.11.2023 passed by the learned Additional Sessions Judge, Faridabad, vide which the bail filed under Section 439 Cr.P.C. by the appellants in case FIR No.844 dated 30.10.2023 under Sections 147/149/323/506 IPC and 3(1)(11) of SC/ST Act, 1989 (added later on), registered at Police Station Sector-8, Faridabad, District Faridabad, was dismissed.

2. Learned counsel for the appellants submits that false and fabricated allegations have been levelled against the appellants for allegedly inflicting injuries with sticks and iron rods on the person of the complainant. Learned counsel, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, has submitted that there is no specific injury attributed to the appellants and still further, the falsity of the allegations levelled in the FIR in question that the complainant had been assaulted with iron rods and sticks is supported from the fact that only simple injuries were found on the person of the complainant, when he was medically examined. It has been further submitted that the appellants have been in custody since 05.11.2023. Challan stands presented and charges also stand framed, however, none of the 16 witnesses cited by the prosecution have been examined till date. It has also not been disputed that the injuries sustained by the complainant were opined to be simple in nature.

3. *Per contra*, learned State counsel, on instructions, has not been able to dispute that charges indeed stand framed against the appellants on 19.03.2024 and now, the prosecution evidence is to be recorded from the next date fixed before the learned trial Court. Learned State counsel has filed the custody certificates of the appellants in the Court today, which are taken on record subject to just exceptions.

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

5. The appellants have been in custody since 05.11.2023. The trial is unlikely to conclude in the near future as none of the 16 prosecution witnesses have been examined till date. As not disputed, the appellants have been attributed only simple injuries on the person of the complainant.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant appeals and extend the concession of regular bail to the appellants.
7. The appeals as such are allowed, and the appellants are admitted to bail to the satisfaction of the trail 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.
8. Photocopy of this order be placed on the file of the connected case.

May 01, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No