

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-67-2024
DECIDED ON: 25.01.2024

ROHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lukesh Kumar, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.147, dated 31.05.2023, under Sections 147, 149, 323, 325, 379-B, 506 of IPC, 1860, registered at Police Station Bass, Hansi.
2. Learned counsel for the petitioner contends that there are three injuries mentioned in the MLR and none of these injuries are specifically attributed to the petitioner and on that ground, prays for grant of regular bail.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that he has suffered incarceration for a period of 7 months only, though is not involved in other case. He also submits that as per the video clip made available, which was prepared by one passer during the course of altercation, it is the petitioner, who is seen giving the injury and all the injuries are attributed to him.

4. Learned counsel for the petitioner controverts the submissions of learned State counsel stating that as per the medico legal report dated 11.08.2023 (Annexure P-4), none of the injuries is declared grievous in nature rather are simple.

5. Heard, learned counsel for the parties.

6. Be that as it may, considering the fact that all the injuries attributed to the petitioner are admittedly simple in nature, as is evident from the MLR dated 11.08.2023 (Annexure P-4) and the petitioner is in custody since 23.06.2023, wherein charges were framed on 28.11.2023 and since then none of the witnesses has been examined out of total 14, which shows that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition, is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

25.01.2024

Meenu

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