

238 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62535-2024
Date of Decision:14.01.2025

MANISH

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Prateek Singh, Advocate with
Mr. Vikas Kumar, Advocate
for the petitioner.

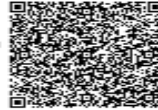
Mr. Rajinder Kumar Banku, DAG, Haryana.

Mr. Himanshu Chauhan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C., with a prayer to grant regular bail to him in case FIR No.18 dated 02.02.2024, registered under Sections 147, 149, 307, 323, 325, 341 and 506 IPC, 1860, Police Station Bhiwani Civil Lines, District Bhiwani.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by Sham, complainant. In fact as per the case of the prosecution, the petitioner is stated to be present at the place of the occurrence with a *Farsa* and no specific injury has been attributed to him.



He further contends that the petitioner was arrested in the present case on 19.02.2024 and is in custody for the last about 10 months. Learned counsel further contends that in the present case Sham, complainant and Vishal, injured have already been examined by the trial Court and there are no chances of tampering with the case of the prosecution. Learned counsel further contends that the case is at the initial stage and the trial Court may take considerable time in concluding the prosecution evidence.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner is facing one more prosecution under Section 323 IPC.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, as per the case of the prosecution, even though the petitioner has shown to be armed with a *Farsa*, but he was simply present at the place of occurrence and was part of the unlawful assembly. Apart from that, no other specific role is prescribed to him. Moreover, he is in custody for the last more than 10 months and material witnesses have already been examined.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

14.01.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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