

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-41396-2021 (O&M)
Date of decision: 29.10.2021

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 237 dated 31.03.2021, registered under Sections 148, 149, 323, 506, 341 IPC, (Section 307 IPC added later on), at Police Station Rai, District Sonapat.

Learned counsel for the petitioner submits that the FIR was lodged on the complaint of Ram Kumar-father of injured Vikas. There is a delay of 2 days in lodging the FIR. Initially, names of eight accused were mentioned in the FIR, but the petitioner was not named therein. The petitioner and one another person were indicted on the basis of supplementary statement of the complainant. Section 307 IPC was added after 12 days, on the opinion of the Doctor.

It is still further submits that as per the statement of the injured

Vikas recorded under Section 161 Cr.P.C., an injury on his waist has been attributed to the petitioner. The petitioner has been in custody since 02.06.2021.

Learned State counsel, while vehemently opposing the prayer for bail submits that there is specific attribution towards the petitioner. Though, the petitioner was not named in the FIR, yet as per his disclosure statement, the head injury is attributed to him. However, he does not dispute the custody period of the petitioner. Out of 21 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.06.2021. The prosecution witnesses are yet to be examined. The only injury attributed to the petitioner is on the waist of the injured-Vikas. The conclusion of the trial would take a long time, therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

29.10.2021
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No