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

CRM-M-24633 of 2015

Date of Decision: August 10, 2015.

Hitesh @ Kaku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Gaganpreet Kaur, AAG Haryana.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.344 dated 10.07.2015, under Sections 147, 148, 452, 323, 506 of Indian Penal Code, 1860 ('IPC' for short) (Sections 324, 325, 354-D IPC added later on), registered at Police Station Kotwali Faridabad, District Faridabad.

Prosecution story in brief is that on 09.07.2015 at about 11:00 PM, petitioner and his co-accused entered the house of the complainant and started damaging the household articles. Sonu, who was armed with a sword, Saurav who was armed with an iron rod and Hitesh who was armed with a baseball bat inflicted injuries on the person of Harjit Singh.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 15.07.2015. In fact, the parties are neighbours. Petitioner has been falsely involved in

this case, as the shop run by the petitioner is adjacent to the house of the complainant and some of the customers park their vehicles in front of the house of the complainant party. Due to this reason, dispute had arisen between the parties which resulted in lodging of this FIR. So far as, the allegation qua the outraging of the modesty of Shalini Bhatia is concerned, the allegation in this regard was levelled after four days of registration of this FIR.

Learned State counsel, on the other hand has submitted that the offence committed by the petitioner was serious in nature.

In the present case, petitioner is in custody since 15.07.2015 and is not required for further investigation. Petitioner was allegedly armed with baseball bat at the time of occurrence and admittedly simple injury is attributed to him. Keeping in view the facts and circumstances of the present case, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, this petition is allowed. Petitioner be admitted to bail, subject to the satisfaction of the Chief Judicial Magistrate, Faridkot.

**(SABINA)
JUDGE**

August 10, 2015
mahavir