

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

213

CRM-M-15771-2019 (O & M)
Date of Decision:13.05.2019

Akash @ Chotu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.844 dated 25.11.2018, under Sections 148, 149, 324, 341, 506 IPC and Section 25 of Arms Act and later on Section 307 added which was registered at Police Station Gurgaon Sadar, District Gurugram.

The FIR was registered on the statement of the complainant Amit Kumar, who stated that on 23.11.2018 at about 5.30 pm while he was going to Devi Lal Stadium for playing, then near Sector 38, Gullu armed with pistol, Kamal armed with knife and Akash armed with danda came in their way and started beating the complainant with the knife and danda. In the meantime, 8-10 persons whose names were not known also came there and started beating the complainant with kick and fist blows. On seeing the crowd, friend of the complainant namely Vikas and his companion came at

the spot. On seeing them, Kamal, Akash and Gullu and their 8-10 companions fled away from the spot and while going away they threatened the complainant with dire consequences.

Learned counsel for the petitioner contends that originally the FIR was registered for the offences under Sections 148, 149, 324, 341, 506 IPC and Section 25 of Arms Act. The offence punishable under Section 307 IPC was added on 10.12.2018. The occurrence took place on 23.11.2018, the FIR was got recorded on 25.11.2018. It is also pointed out that the injury inviting punishment under Section 307 is not attributed to the petitioner as it was caused by Kamal.

On the other hand, bail application is opposed by the learned State counsel assisted by ASI Rakesh Kumar. It is conceded that the petitioner was arrested on 03.11.2018. The challan in the case stands filed on 10.02.2019.

Considering the case set up by the prosecution and the fact that the trial is likely to consume some more time to conclude, further detention of the petitioner may not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.05.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No