

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

**CRM-M No.27905 of 2019 (O&M)
Decided on: 25.09.2019**

Brijesh @ Billa

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.21614 of 2019

Heard.

Allowed as prayed for and the

Document (Annexure A-1) is taken on record subject to all
just exceptions.

CRM No.21615 of 2019

Heard.

Allowed as prayed for.

CRM No.22579 of 2019

Heard.

Allowed as prayed for.

Documents (Annexures A-2 and A-3) are taken on record
subject to all just exceptions.

CRM No.22580 of 2019

Heard.

Allowed as prayed for.

CRM-M No.27905 of 2019

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.13 dated 07.01.2019 registered under Sections 323, 325, 326, 341, 506, 34 of the Indian Penal Code (in short 'IPC') at Police Station SGM Nagar Faridabad, District Faridabad.

Counsel for the petitioner has submitted that vide order dated 27.08.2019 passed in CRM-M No.30935 of 2019, the co-accused Karan @ Shooter has been granted the concession of bail by passing the following order:-

“...Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of one Shahid that when he was returning back home, three boys were drinking liquor in an autorickshaw and started abusing him. When he was passing by them, they stopped him and start beating. Later on, he came to know the names of the said boys, i.e., Chhotu, Karan and Vijender. Counsel for the petitioner further submits that the petitioner is the first offender and in custody for the last more than 5 months and 11 days and not involved in any other case. He further submits that the challan in the case stands presented and the case is triable by the Court of Magistrate as Section 307 IPC stands deleted and only one prosecution witness has been examined so far.

Custody certificate produced by the learned State counsel is taken on record.

Learned State counsel on instructions from ASI Pritam Singh has not disputed the factual position and submits that Section 307 IPC stands deleted and the case is now fixed for the prosecution evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 05 months and 11 days; the challan stands presented; only one prosecution witness has been examined so far and the petitioner is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Counsel for the petitioner has further submitted that the petitioner was not named in the FIR and later on, he was identified as a person who is named as Vijender in the FIR. It is further argued that the petitioner is in custody since 15.03.2019 and he is not involved in any other case; charges have been framed and it will take long time in conclusion of the trial.

Counsel for the State, on instructions from ASI Pardeep Kumar, has not disputed the factual position but opposed the prayer for bail. It is also submitted that Section 307 IPC stands deleted and charges have been framed under Section 326 IPC and 09 prosecution witnesses have already been examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 15.03.2019; he is not involved in any other case; charges have been framed and it will take long time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

25.09.2019
yakub

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