

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

228

CRM-M-42491-2019(O & M)
Date of Decision:14.10.2019

Bijender @ Tawar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.52 dated 15.01.2019, under Sections 307, 323, 324, 379-B, 506, 34 IPC, 1860, and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station City Narnaul, District Mohindergarh, Narnaul. Petitioner is in custody since his arrest on 10.06.2019.

Complainant-Sumit Kumar lodged the FIR, wherein it was alleged that on 09.01.2019 at about 11.00 AM, he along with Namit was going to Narnaul on his two wheeler bearing No.HR-35-G-7398 and when he reached near Raghunathpura, Hanuman Temple, a Bolero vehicle hit his motorcycle from behind and both of them fell down. The Bolero was driven ahead and reversed at a high speed in order to kill them. But he and his

companion saved themselves by leaving the road and ran towards crusher. According to the complainant, three-four young persons alighted from the Bolero vehicle, who were armed with weapons and gave beatings to the complainant. The injuries were caused by Manoj @ Kallu, Ankit Jhangra, Jantri Yadav along with two-three boys to the complainant and Namit. The assailants also snatched away ₹22,000/- from the pocket of the complainant. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the FIR was lodged after a delay of about 6 days as the occurrence took place on 09.01.2019 and the FIR was registered on 15.01.2019. He submits that the petitioner was neither named in the FIR nor any injury has been caused by him. He further contends that it was on the statement of co-accused Ankit that the petitioner was indicted as an accused and the said statement may not be admissible in evidence. He submits that the investigation of the case is complete and the trial is likely to consume time and further custody of the petitioner may not be necessary.

On the other hand, learned State counsel has opposed the bail application. He submits that the petitioner was involved in some other case. He further submits that the petitioner got identified the place of occurrence as well.

At this stage, learned counsel for the petitioner contends that the identification of the place of occurrence is immaterial particularly when the police was already aware of it and the place of occurrence is mentioned in the FIR itself.

After hearing learned counsel for the parties, this Court finds that the further custody of the petitioner may not be justified, as the trial is

likely to consume considerable time. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner 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.

14.10.2019

sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No