

CRM-M-51976-2019 (O&M)

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

**CRM-M-51976-2019 (O&M).
Decided on: December 12, 2019.**

Akhtar Ali

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Satish Chaudhary, Advocate,
for the petitioner.**

Ms.Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed by one Akhtar Ali under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.175 dated 8.9.2017, under Sections 148, 149, 323, 307 and 506 IPC, registered at Police Station, Chhappar, District Yamunanagar.

Learned counsel for the petitioner has argued that in the present FIR there are total eight accused and the petitioner was not named in the FIR, however, he was nominated on the basis of the statement made by one injured namely Sanjiv Kumar. He has further argued that out of 8

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accused four have been granted bail by a Coordinate Bench of this Court. It is further argued that even on the basis of statement made by the injured, no role is attributed to the petitioner with regard to the injuries sustained by the injured. It is further argued that the petitioner is in custody since 17.10.2019 and therefore, he prays for grant of regular bail to the petitioner.

On the other hand, learned State counsel, on instructions from SI Satya Narayan, states that allegations are serious in nature and although the petitioner is not named in the FIR but his name was nominated on the basis of statement made by the injured to the effect that the petitioner had given leg blows on the chest of the injured.

Learned State counsel has drawn my attention to the medico-legal report (MLR) from where it is clearly discernible that the nature of the injuries are not not only wounds but also pain in the chest. He further submits that the injured remained admitted in ICU for about 10 days and he had to undergo various procedures.

It has been further submitted by the learned State counsel that the present petitioner had been evading to join investigation and it took about one month to arrest the petitioner.

In response, learned counsel for the petitioner submits that it was in fact a false statement made by injured Sanjiv Kumar as he himself was accused in another FIR registered under Section 376 IPC, regarding which the occurrence is of the same date i.e. 8.9.2017 and therefore, learned counsel for the petitioner has argued that the statement made by the injured - Sanjiv Kumar cannot be relied upon. He further

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submits that the petitioner has been falsely implicated in the present case.

I have heard the learned counsel for the petitioner as well as the learned State counsel and have gone through the record of the case.

The petitioner is in custody since 17.10.2019 i.e. for the last more than 1½ months. Challan in this case has already been presented. MLR has been perused. Registration of another FIR under Section 376 IPC, against injured - Sanjiv Kumar on the same day would also be a relevant factor even if FIR under Section 376 IPC is dated 2.11.2019 but the date of occurrence is shown to be 8.9.2017 i.e. the same date on which the FIR in the present case has been registered.

During the course of hearing, learned counsel for the petitioner has drawn my attention to one report of a police officer in which it has been mentioned that the role which is attributable to the petitioner was giving of blows to Sanjiv Kumar. Apart from this, out of 8 accused who were figuring in the FIR, 4 have already been granted the concession of bail.

Considering the totality of the circumstance as aforesaid, I deem it a fit case to admit the petitioner on regular bail. Consequently, the petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case.

December 12, 2019.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No