

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-630-2020

Date of Decision: 04.02.2020

Rahul

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Ms. Tanushree Gupta, DAG, Haryana.

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Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.437 dated 13.08.2019, under Sections 148, 149, 323, 324, 325, 307 and 506 IPC, registered at Police City Yamuna, District Yamuna Nagar. He is in custody since his arrest on 16.08.2019.

The FIR was registered on the statement of complainant Sanjeev Kumar, wherein it was stated that on 12.08.2019 at about 7:30/8:00 p.m., he was in his house. He heard noise of quarrel of children outside whereupon, he went out of the house and found that the children were fighting in the street. He made the children understand and got the matter patched up. Thereafter Rahul, Raju, Deepak, Mahender Singh, Rajinder Sunny came there. Deepak was having a knife in his hand while Sunny, Mahender, Raju and Rahul were holding brick bats in their hands. The assailants started giving brick bat blows to his brother Sunder Lal. When he intervened to rescue his brother, then Deepak inflicted a knife blow in the

waist of the complainant and all other assailants also gave brick bat blows to him. On hearing the noise of quarrel, his niece Vaishali and his wife Pinki came there to rescue them, then Deepak inflicted a knife blow in the waist of Vaishali. The assailants also caused injuries to his wife Pinki and brother Sunder Lal. On seeing the people gathering at the spot, the assailants fled away from the spot with their respective weapons. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner submits that initially the FIR was registered under Sections 323 and 324 IPC and the offences punishable under Sections 325 and 307 were added later on. He contends that as per the statement of Sanjeev Kumar (complainant), the petitioner was having a brick in his hand and a knife blow to Vaishali was given by co-accused Deepak. It is pointed out that as per the statement of Vaishali, the petitioner is attributed a knife blow. He submits that the petitioner is confined in judicial custody, who is not required for any interrogation as the investigation of the case is complete and the final report was filed on 29.10.2019. He further submits that the co-accused of the petitioner have been extended the concession of regular bail by the trial Court.

On the other hand, learned State counsel assisted by HC Jitender Singh, has opposed the prayer on the ground that the petitioner was involved in the commission of crime with the co-accused. However, it is not disputed that the investigation of the case is complete and only one witness has been examined out of total 19 witnesses. She also does not dispute that the co-accused of the petitioner have been extended the concession of regular bail by the trial Court.

After hearing learned counsel for the parties, this Court is of the

opinion that trial of the case is likely to consume considerable time and keeping in view the custody of the petitioner, his further detention may not be justified. Resultantly, 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.

04.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No