

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-651-2020

Date of Decision: 17.01.2020

Ankit Bhardwaj @ Chand

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raghav Sharma, Advocate for the petitioner.

Mr. Parveen Bhadu, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.1097 dated 01.10.2019 registered under Sections 148, 427 and 506 read with Section 149 of Indian Penal Code, 1860 (Sections 455 and 120-B IPC added later on) and Section 25 Arms Act, 1959 at Police Station City Thanesar, District Kurukshetra. The petitioner is in custody since his arrest on 14.10.2019.

The FIR was registered on the statement of Shashi Sharma son of Randhir Sharma, wherein it was alleged that on 01.10.2019, at about 1:15 p.m., 25-30 boys armed with knives, swords, binda, hammer and country made pistol, came in MG Grand Hotel, Mohan Nagar and damaged the property. After giving threats of killing to the staff of the hotel, they all fled away from there towards SKIET college. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR as he is not even named in the

FIR. He submits that the co-accused have already been granted the concession of regular bail by this Court. According to him, the challan has been presented and the offences are triable by Magistrate, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by HC Surinder Kumar opposed the prayer on the ground that the petitioner and other co-accused had caused damage to the hotel of the complainant. However, it is not disputed that the co-accused have already been granted the concession of regular bail by this Court.

After hearing learned counsel for the parties, this Court finds that the challan has been presented and as the offences are triable by the Magistrate, therefore, keeping in view the fact that the trial of the case is likely to consume considerable time, further custody of the petitioner is not necessary. 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 Kurukshetra.

The petition is allowed.

17.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No