

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

221-A

CRM-M-996-2020

Date of decision: 31.01.2020

Amit alias Mita

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.180 dated 23.09.2019 under Sections 323, 325, 341 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") registered at Police Station Bilaspur, District Yamuna Nagar to which Section 307 IPC was added lateron.

The above said FIR was registered on the basis of statement made by complainant-Ranbir who alleged that on 18.09.2019, he with his cousin Pal had gone to Village Rampur where they had altercation with accused Sagar, Vikram and petitioner-Amit but the matter was patched up at the spot. However, Sagar and Vikram threatened to see him again. When at about 04:00 P.M., he was returning to his village, he was waylaid by Sagar, Vikram and petitioner-Amit and two other unknown persons. Sagar was having danda in his hand. Other accused caught hold of the complainant while

Sagar gave danda blow on his head resulting in bleeding. The accused left the spot while threatening to kill him on opportunity.

The petitioner, who is in custody since 19.11.2019, has filed the present application for grant of regular bail.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is unexplained and undue delay in lodging of the FIR as the occurrence took place on 18.09.2019 but the FIR was lodged on 23.09.2019. The petitioner is merely alleged to have caught the complainant. Injury on the person of the complainant declared to be dangerous to life is attributed to co-accused Sagar and is not attributed to him. The petitioner is in custody since 19.11.2019. The trial is likely to take long time. Co-accused of the petitioner namely Vikram has already been granted interim anticipatory bail by this Court on 09.12.2019. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed serious offence and does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, role attributed to the petitioner as injury on the person of complainant declared to be

dangerous to life is not attributed to him, the fact that the petitioner is in custody since 19.11.2019 and his further detention in custody will not serve any useful purpose and also that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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