

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-3415-2020
Date of decision: 31.01.2020

Sanjeev

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shiva Khurmi, Advocate for
Mr. Sarfraj Hussain, 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 (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.280 dated 18.09.2019 under Sections 323, 325, 307, 427 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") registered at Police Station Kasola, District Rewari.

The above said FIR was lodged on the written complaint moved by complainant-Lalit before the police alleging therein that on 17.09.2019 at about 05:00 P.M. when he was sitting with his friends, he received a telephonic call from his house that **accused Sanjeev (petitioner)** along with his co-accused Rajeev and Ramjeev @ Jaikey had entered in his house and they were beating his uncle Arun Kumar. The complainant along with his friends started for his village and when they reached on Sahbajpur road, the accused and their friends armed with *dandas* and iron rods met them and gave beatings to them.

Accused Bhola gave blow with iron rod on his left leg; accused Sanjeev gave blow on his right hand and accused Jaikey gave *danda* blow on his left hand. The accused persons also caused injuries to his friends. The accused persons also threatened to kill them while leaving the place of occurrence.

The petitioner, who is in custody since 27.09.2019, has filed 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 alleged occurrence took place on 17.09.2019 while the FIR was got registered on 18.09.2019. The injury on the person of Ajay declared to be dangerous to life is not attributed to the petitioner. The petitioner is in custody since 27.09.2019. The trial is likely to take long time. Co-accused of the petitioner namely Rajeev has already been granted regular bail by this Court vide order dated 07.01.2020. Therefore, the petitioner may also be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner, accused of having committed heinous crime, does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, the nature of accusation and role attributed to the petitioner, the fact of the petitioner being in custody since 27.09.2019, likelihood of the trial

taking long time and parity with co-accused Rajeev, who has been granted bail by this Court vide order dated 07.01.2020 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