

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

CRM-M No.15988 of 2020 (O&M)

Date of Decision: 15.07.2020

Ravinder

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pardeep Goyal, Advocate for the petitioner.
Mr. P.P. Chahar, AAG, Haryana for respondent/State

MAHABIR SINGH SINDHU, J. (Oral)

This petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.137 dated 12.03.2019 (P-1), under Sections 148, 149, 323, 325, 201, 506, 379-B, 427, 419 IPC, 1860 registered at Police Station Sadar Ballabgarh, District Faridabad.

2. As per the allegations of the prosecution, the above FIR was registered on the basis of complaint made by Kirpal Singh to the effect that when he along with his brother Manoj was going in his Swift Car from Bukharpur to Junhera liquor shop and reached near BPL Colony, a Wagon-R car without number plate was already parked there. Then suddenly, 3-4 boys armed with rod, hammer etc. alighted from the said car and started beating them. They were identified as Pawan son of Kishan Chand, Gourav son of Om Parkash, Lalaram son of Kishan Chand, Om Parkash son of Kishan Chand, Bhola son of Sher Singh and 2-3 other persons who could not be identified. The assailant Pawan gave hammer blows on the nose and forehead of the complainant; whereas Gourav gave a rod blow on his left hand. Assailants also attacked his brother Manoj and they snatched gold chain, licensed pistol from Manoj and Rs.1,19,000/- along with his mobile phone having SIM No. 9953145140.

3. Contends that petitioner was not named in the FIR; rather he has been nominated as an accused on the basis of supplementary statement of complainant recorded on 03.04.2019 and is in custody since 17.07.2019. Also contends that there is no other criminal case pending against the petitioner; nothing incriminating was recovered from him during investigation and accused Lalaram, Pawan, Om

Parkash and Bhola @ Manish were found innocent. It is also the contention that although the charges were framed on 08.09.2019; but out of total 20 prosecution witnesses, only 2 have been examined till date.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned, but opposed the bail application.

5. Heard learned Counsel for the parties and perused the paper-book

6. Concededly, the petitioner was not named in the FIR, rather he has been nominated as an accused on the basis of supplementary statement of complainant and he is in custody since 17.07.2019. During investigation, nothing incriminating was recovered from the petitioner. Out of 20 prosecution witnesses only 2 have been examined. In the present scenario, the trial is likely to take sufficient long time. Also noteworthy that there is no other criminal case pending against the petitioner, thus, his further incarceration would not serve any purpose.

7. Consequently, the present petition is allowed. Petitioner be admitted to bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court and shall not unnecessarily delay the proceedings in any manner.

9. The above observations may not be construed as an expression of opinion on the merits of the case.

15 July, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No