

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-20596 of 2020
Date of Decision : 11.08.2020

Ajay Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Vishal Malik, Deputy Advocate General, Haryana

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 224 dated 08.02.2020 under Sections 379-B, 506 and 307 IPC, registered at Police Station City Jagadhri Nagar, District Yamuna Nagar.

Learned counsel for the petitioner states that petitioner is not related to the charge under Section 307 IPC as the injury caused with knife is attributed to co-accused, namely, Dikshit Mittal. The only allegation against the petitioner is that a sum of Rs.2000/- and a license belonging to the victim was recovered from the petitioner. Learned counsel further states that a co-accused, namely, Aakash, against whom the allegations are with regard to giving the beatings to the victim, has already been granted the concession of regular bail by this Court while deciding CRM No. M-15197 of 2020 on 30.06.2020 and, therefore, keeping in view the parity, the petitioner be extended the benefit of regular bail.

Notice of motion.

Mr. Vishal Malik, learned Deputy Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State. Learned State counsel on instructions from ASI Baldev Raj states that the claim of the petitioner cannot be equated with Aakash as no recovery was effected from Aakash, whereas, from the petitioner, recovery of Rs.2000- and licence of the victim was recovered and, therefore, the claim of parity by the petitioner is misplaced. Learned State counsel concedes that the allegation of injury causing with knife is attributed to co-accused Dikshit Mittal.

I have heard learned counsel for the parties and have gone through the record very carefully.

Once, the injury being caused with knife is attributed to co-accused Dikshit Mittal and co-accused Aakash, who had given beatings to the victim, has already been extended the concession of regular bail, petitioner has also made out a case for the grant of bail. The petitioner is only attributed the recovery of license and Rs.2000/-, which allegations are yet to be proved in the trial Court. No useful purpose would be served by keeping the petitioner behind the bars as the challan has already been presented. Hence, petitioner has made out a case for the grant of regular bail keeping in view the facts noticed above.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner

will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 11, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*

Whether reportable? *No*