

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

(212-3)

**CRM-M-26211-2020 (O&M)
Date of decision: 14.09.2020**

Vaibhav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Alok Kumar Jain, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Chandan Gulati, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-23013-2020

Prayer in the application is for amending of bail petition and for placing on record the amended petition as Section 427 IPC was not mentioned in the original petition.

Learned counsel for the applicant-petitioner submits that the FIR was registered under Section 379-B, 323, 506 and 34 IPC, however, while presenting the final report, the prosecution added the offence under Section 427 IPC.

Notice of the application.

Mr. Rajiv Sidhu, DAG, Haryana, who is present through video conferencing, accepts notice of the application on behalf of respondent No.1 and Mr. Chandan Gulati, Advocate for the complainant, appears through

video conferencing on behalf of respondent No.2.

Application is allowed.

Amended petition is taken on record.

CRM-M-26211-2020

Petitioner, namely Vaibhav son of Vajinder Kumar, has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No. 202 dated 28.06.2020, registered under Sections 323, 34, 379-B, 506 IPC and Section 427 (added later on) at Police Station Chandimandir, District Panchkula, Haryana (Annexure P-1).

Learned counsel for the petitioner has argued that the petitioner is a young boy of 23 years of age and had been recently appointed with M/s. Tech Mahindra Limited. He submits that there is no specific attribution qua the petitioner and he has been falsely implicated in the present FIR. Learned counsel for the petitioner argues that a perusal of the FIR shows that the allegation is that after a verbal altercation, fist blows were given to the complainant and injured, which resulted in injuries that are simple in nature. He has referred to the MLR in support of this fact. Still further, he has referred to the order dated 29.06.2020 (Annexure P-2) passed by the JMIC, Panchkula, whereby the Court has commented adversely on the conduct of the Investigating Officer. He submits that the petitioner is not involved in any other criminal case and is behind bars since 28.06.2020. He submits that the petitioner be enlarged on bail subject to any condition as this Court deems appropriate.

Per contra, State counsel assisted by Mr. Chandan Gulati, Advocate, counsel for the complainant, upon instructions from ASI Maan Singh, submits that allegations regarding use of knuckle punch and snatching of gold and silver chain from the complainant party, have also

been levelled against the accused. According to him, the

accused tried to snatch the key of the car and even pelted stones, which broke the windscreen of the car. As per his instructions, challan has been filed on 28.08.2020 and the next date before the trial Court is 21.09.2020 and the charges are yet to be framed.

I have considered the rival submissions of the parties. Keeping in view the period of incarceration of the petitioner and the nature of injuries allegedly sustained by the complainant/injured and the fact that the conclusion of the trial is likely to take some time, no useful purpose will be served by keeping the petitioner in further detention. Without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/duty Magistrate.

Henceforth, in case the petitioner is found to be involved in any criminal activity or misuses the concession of bail, it will be open for the prosecution to apply for the cancellation bail of the petitioner.

(SUVIR SEHGAL)
JUDGE

14.09.2020
Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No