

Sr.No.206

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

**CRM-M-27340 of 2020
Date of decision:02.11.2020**

Aakash

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Ms. Rosi, Advocate
for respondent.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for seeking regular bail in FIR No.467, dated 26.06.2020 for the offences punishable under Sections 323, 341, 506, 34 IPC registered at Police Station City Sonapat, District Sonapat.

The allegations which were contained in the FIR was that FIR was lodged on the basis of complaint filed by Sachin son of Sh. Raj Singh that when he and his friend were going on their vehicle from Murthal to Jatwada Sonipat to the house of their friend then two boys on a motorcycle who had consumed liquor intercepted their motorcycle in front of their car. Thereafter, fight took place and two accused namely, Rahul and Sachin threw brick from behind which hit his head and he fell down, thereafter, Akash(petitioner) punched, kicked and attacked him with brick. Police

investigation took place and the injured was declared to be fit for making statement on 21.06.2020. Thereafter, an FIR was registered on 26.06.2020.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 11.07.2020, challan has also been presented on 09.10.2020 and investigation in the present case is already complete. He has further submitted that it is a case where the main role is attributed only to Rahul and Sachin that they had thrown brick which hit the injured. So far as the petitioner is concerned he thereafter, came punched and kicked with brick to the injured. He has also submitted that there was a delay of 6 days in lodging of the FIR and has pointed to the police proceedings which showed that on 21.06.2020 the injured was declared to be fit for making statement although he was referred to the PGI Rohtak. He has further submitted that injured has since been discharged from the hospital and the petitioner has got no bad precedents and there is no other case against the petitioner. Therefore, prays for consideration for the grant of bail to the petitioner.

On the other hand, learned State counsel has submitted that allegations had been levelled against the petitioner in the FIR also although the main allegations are pertaining to Rahul and Sachin against whom the allegations are that they had thrown brick from behind which hit upon the head of the injured. He has opposed the grant of bail only on the ground that the matter involves serious injuries and therefore, bail application of the petitioner may be dismissed.

I have heard the learned counsel for the parties.

Perusal of the FIR shows that the allegations qua Rahul and Sachin were that they threw brick from behind which had hit the injured and

the petitioner Akash also puched, kicked and attacked the injured with brick. Investigation in the present case is already complete and challan has been presented on 09.10.2020. It is an admitted position that petitioner is not involved in any other case. Learned counsel for the petitioner has also referred to the bail granted by co-ordinate bench of this Court to the mother of the petitioner in CRM-M-22651 of 2020 on 19.08.2020.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

It is also directed that the petitioner shall abide by the following conditions:-

1. He shall not, directly or indirectly, make any inducement threat or promise to any person acquainted with the fact of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
2. He shall not leave India without previous permission of the Court.

2nd November, 2020

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No