

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

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**CRM-M-52565-2019 (O&M)
Date of Decision : 27.02.2020**

Sanjay Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arjun Dhingra, Advocate for
Mr. Pankaj Mehta, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.0253 dated 08.08.2019 registered under Sections 323, 325, 341, 394 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sadar, Jind.

Briefly stated the facts relevant for disposal of the bail application are that on 08.08.2019 at about 12:15 a.m. when Kaptain Singh, SPO, Police Post Gatoli was returning home on his motorcycle, all of a sudden three persons armed with lathi came in Auto in front of him and inflicted lathi blow on his hand on which he fell down. Thereupon, all the three persons gave beating to him and tried to kill him and snatched his licensed pistol. When he raised hue and cry, truck drivers assembled there on which the assailants fled from the spot. On being informed by him ASI Kulbir along with other police officials Police Post Gatoli reached there and took him to General Hospital,

Jind where he was admitted and treated. In his statement, Kaptain Singh also mentioned that he had come to know about the names of two assailants as Subhash and Satyawar and he could identify the third person. On his statement the above-said FIR was registered. Police investigated the case and co-accused Satyawar and Subhash were arrested and stolen pistol was recovered from the possession of co-accused Subash. The petitioner was arrested on disclosure statement of co-accused Satyawar. On completion of investigation, report under Section 173(2) was filed against the petitioner and his co-accused. The petitioner being in custody since 19.08.2019 has filed present petition for grant of regular bail.

Learned State Counsel has appeared and opposed the bail application in terms of reply dated 03.01.2020 filed by the respondent-State.

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 petitioner has been falsely implicated on the basis of disclosure statement of co-accused. No test identification parade was conducted. The petitioner was not involved in the commission of offences subject matter of the present case. The petitioner is not involved in any other case. The trial is likely to take long time and no useful purpose will be served by his further detention in custody.

Learned State Counsel has argued that allegations against the petitioner are serious and in view of the gravity of accusation, the petitioner does not deserve grant of regular bail and therefore, the

petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, period of his custody and the fact that adjudication of his guilt or innocence on the basis of evidence to be produced during the trial is likely to take long time and that his further detention in custody, not being punitive, will not serve any useful purpose 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 concerned subject to the condition that the petitioner will not commit any offence of similar nature and in case of commission of any offence of similar nature by the petitioner, his bail in the present case shall also be liable to be cancelled on filing of application by the prosecution in this regard.

27.02.2020

Kothiwal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No