

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(128 + 244)

CRM-M-8334-2021 (O&M)
Date of decision: - 06.09.2021

Sudhir

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gautam Kailey, Advocate,
for the applicant-petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-24555-2021

Present application has been filed for placing on record the accompanying documents as Annexures P-3 and P-4.

Application is allowed, as prayed for. Accompanied documents (Annexures P-3 and P-4) are taken on record, subject to all just exceptions.

CRM-M-8334-2021

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.62 dated 20.02.2020, registered under Sections 304 and 34 PC, at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner argues that in the present case, the only role which the petitioner had performed was that when he saw thief, he raised an alarm. The said thief was caught by the workers, who were residing in the said factory premises and was beaten up by them. Learned counsel for the petitioner further argues that the petitioner has not inflicted any injury upon the deceased and even as per the FIR, when the police arrived, the deceased was found tied with a pole with ropes. Learned counsel for the petitioner submits that even the police was called by some one out of the crowd which gathered at the spot.

Learned State counsel submits that the petitioner was named in the FIR, but concedes that there is no allegation against the petitioner of any beating given by him, though, he had admitted of giving the beating to the deceased in his disclosure statement. Learned State counsel further submits that nothing is to be recovered from the petitioner as of now as the challan has been submitted and the charges have already been framed.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances noticed herein before, as the challan has been submitted and the charges have been framed and the allegations against the petitioner are yet to be proved and in the FIR, no specific injury was attributed to the petitioner, no useful purpose will be served by keeping him behind the bars any further during the trial as the trial is likely to take some time to conclude.

In view of the above and without commenting upon the

merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant 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.

September 06, 2021
naresh.k

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No