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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.8291 of 2021 (O&M)

Date of decision: 29.04.2021

Ankit Sharma @ Kala

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Khehar, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.227 dated 06.09.2020, for offence punishable under Sections 148, 149, 323, 325, 285, 506, 307, 379-A of the Indian Penal Code, 1860 (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Counsel for the petitioner has submitted that the DDR No.9 dated 06.09.2020 was recorded on a complaint given by one Sachin Handa that when he along with his 03 friends were sitting at a liquor vend then, the accused Jaspreet @ Jassi, Parvinder, Tinku, Goldi and Rajat came there on their motorcycles and they forced him to sit on a motorcycle, due to which an altercation took place between them and in that scuffle, his gold chain weighing 05 tola was snatched away. It is further submitted that after registration of this DDR, on verification of the fact, FIR No.227 dated 06.09.2020 was registered under Section

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379-A IPC. Thereafter, while conducting the investigation, the Investigating Officer verified the fact and recorded the statement of Jaspreet Singh on 07.09.2020 in which, no role was assigned to the petitioner. It is also submitted that thereafter, on 25.09.2020 Jaspreet Singh recorded a supplementary statement in which he has stated that the accused persons caused injuries to him and Darshan @ Bhura has fired a gun-shot which injured Rajat and on the basis of the same, Section 307 IPC was added.

Counsel for the petitioner has also submitted that the petitioner is in custody since 25.09.2020; the investigation is complete; it is a case of version and cross-version and it will take some time in conclusion of the trial due to COVID-19 situation.

Counsel for the State has, however, submitted that in the complaint given by Jaspreet Singh, the name of the petitioner was there, however, there are general allegations that all the accused persons caused injuries to them and no specific role is attributed. It is further submitted that in the supplementary statement of Jaspreet Singh, it has come that the petitioner has caused injuries with an iron rod on his hand and he has suffered 04 injuries whereas Rajat suffered 06 injuries.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 25.09.2020; it is case of version and cross-version; challan stands presented however, the statement of the prosecution witnesses is yet to be recorded; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on

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bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.04.2021

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