

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9359-2021

Date of decision: - 04.03.2021

Tejvir alias Sona

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

Present second petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.528 dated 10.11.2019, under Sections 323, 452, 506 and 34 IPC (Sections 302 & 201 IPC added later on), registered at Police Station Sonipat Sadar, District Sonipat.

Learned counsel for the petitioner argues that no injury upon the deceased has been attributed to the petitioner in the FIR as all the injuries inflicted upon the deceased have been attributed to co-accused Ankush i.e. son of the petitioner. Learned counsel for the petitioner submits that only allegation against the petitioner is that he caught hold the complainant and was not allowed to save his mother, who was being

inflicted injuries by co-accused Ankush. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 03.12.2019 and the material witness i.e. the complainant has already been examined.

Notice of motion.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel argues that the petitioner is accused of serious allegations and prompted the co-accused Anksuh to inflict injuries upon the deceased. Learned State counsel upon instructions from SI Naresh concedes that as per allegations in FIR, no injury upon the deceased is attributed to the petitioner and complainant has already been examined.

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

It is conceded that the role which is attributed to the petitioner in the FIR is of catching hold of the complainant so as to prevent him from saving his mother, who was being hit by the co-accused Anksuh. No injury is attributed to the petitioner having been inflicted upon the deceased or the other injured. The allegations alleged in the FIR are yet to be proved during the trial. Once, the complainant has already been examined and the trial is likely to take some time before the same concludes, no useful purpose will be served in keeping the petitioner

behind the bars during the trial as learned counsel for the petitioner has undertaken before this Court that petitioner will maintain good behaviour after his release on bail and will not influence the trial in any manner.

In case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

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.

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.

March 04, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No