

**CRM-M-12311-2021 (O&M)**

**THROUGH VIDEO CONFERENCE**

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

**CRM-M-12311-2021 (O&M).**

**Decided on: August 27, 2021.**

**Yaman**

**.. Petitioner**

**VERSUS**

**State of Haryana**

**.. Respondent**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**\* \* \***

**PRESENT**

**Mr.Vishwajeet Singh, Advocate,  
for the petitioner.**

**Mr.Naveen Singh Panwar, DAG, Haryana.**

**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.210 dated 12.9.2020, under Sections 307, 323, 452 and 506/34 of IPC, registered at Police Station Bhondsi, District Gurugram.

It has been contended by the learned counsel for the petitioner that the petitioner is in custody since 04.12.2020 which is more than 8 months and the investigation of the case has already been completed and thereupon challan has also been presented under Section 173 Cr.P.C. . He has further submitted that even the charges have also been framed in the

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present case although no prosecution witness has been examined as yet. He has further submitted that a bare perusal of the FIR would show that the complaint was lodged by one Kanta Devi by alleging that two persons namely Harkesh (Rajesh) and his brother Yaman (petitioner) along with their mother had come to their house and gave beatings to her and also snatched ear rings of complainant and serious injuries were caused on the head of the husband of the complainant. He has submitted that although the husband of the complainant has died but he has died due to Covid-19 and not due to injuries. He has submitted that, in fact, a perusal of the FIR would show that beating was allegedly given by Harkesh (Rajesh) and there is nothing attributable to the petitioner as per the FIR. He has submitted that, be that as it may, now the charges have been framed and the trial of the case would take long time and therefore, no useful purpose will be served by keeping the petitioner in custody. He has submitted that the present case has been planted upon the petitioner and he was not even present on the spot but he has been later on implicated and that is why his name has not been mentioned in the FIR. He has further submitted that the co-accused who is mother of the petitioner has already been granted bail on 19.1.2021, by this Court vide Annexure P-2. He has further submitted that the petitioner is not involved in any other case.

On the other hand, learned State counsel has stated that it is correct that custody period of the petitioner is from 04.12.2020 which is more than 8 months and that after the completion of the investigation the challan has already been presented and even the charges have been framed. He, on instructions, has submitted that it is also correct that the petitioner is

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not involved in any other case. However, he has opposed the grant of bail on the ground that the matter is serious in nature and in the disclosure statement of the co-accused, it was stated that the petitioner was also present there and had also inflicted injuries and even *danda* was also recovered from him.

I have heard the learned counsel for the parties.

Custody period of the petitioner is not in dispute. It is also not in dispute that the petitioner is not involved in any other case and the charges have already been framed in the present case. A perusal of the FIR would show that beatings were attributable to the other co-accused namely Harkesh (Rajesh) and there is nothing attributable to the petitioner as per the FIR. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or tamper with evidence or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

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| <b>August 27, 2021.</b>     | <b>(JASGURPREET SINGH PURI)</b> |
| <b>raj arora</b>            | <b>JUDGE</b>                    |
| Whether speaking / reasoned | Yes / No                        |
| Whether reportable          | Yes / No                        |