

In virtual Court

CRM-M-12923-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12923-2021 (O&M)
Date of decision: 22.07.2021

Vivek @ Golu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.M. Punchhi, Advocate and
Mr. Anupam Bansal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Pradeep Chhokar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.271 dated 03.05.2018 under Sections 148, 149, 323, 342, 506 IPC and Section 25 of Arms Act (Sections 325/307 IPC were added later on), registered at Police Station Samalkha, Panipat.

Learned counsel for the petitioner submits that the FIR was registered on the complaint given by one Kamal that his brother Kapil had gone to house of Lucky and when he was returning back, Gaurav, Mukesh,

Sunny, Sagar, Suresh, Gaurav @ Tidda, Vipul, Gourav, Aashu, Vinay @ Mintu, Vivek @ Golu, Aadesh and 2-3 other persons attacked him with their respective sharp-edged weapons and caused multiple injuries. It is further submitted that during the investigation, the police found some of the persons named named in the FIR to be innocent and concluded that 07 persons are involved in the present FIR. It is also submitted that all other six accused persons have already been released on bail either by this Court or by the Court of Sessions. It is next submitted that the petitioner was arrested after a period of more than two years and it is the only ground, on the basis of which the trial Court has declined to grant him regular bail.

Learned State counsel, assisted by learned counsel for the complainant, has submitted that during the investigation, after obtaining opinion of the doctor, Sections 325 & 307 IPC were added and the petitioner was arrested on 09.01.2021 i.e. after a period of two and half years of the occurrence and challan qua him stands presented. It is not disputed that all other six co-accused have already been released on bail. It is argued that in case the petitioner is granted the concession of regular bail, he may abscond from the Court proceedings and may misuse the concession.

As per the custody certificate dated 20.07.2021 filed in the Court today, the petitioner is in custody for the last 06 months and 11 days and he is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that mere fact that the

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petitioner was arrested at a subsequent stage, is not a ground to decline him the concession of regular bail, when other accused are on bail and are facing the trial and also in view of the fact that the petitioner is in custody for the last 06 months and 11 days and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

22.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No