

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14709-2021

DATE OF DECISION: JULY 26, 2021

GAUTAM

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AKSHAY BANSAL, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.
MR. LALIT KUMAR, ADVOCATE FOR THE COMPLAINANT.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.327 dated 20.8.2020, under Section 148/149/323/506 IPC (Section 325, 307 IPC added later on), Police Station Kalanaur, District Rohtak. The petitioner is in custody since his arrest on 4.11.2020.

The FIR was registered on 20.8.2020 on the statement of Mona son of Ishwar alleging that around 1½ years ago, his brother had a quarrel with Vikram and Sachin and the matter was compromised with the intervention of Panchayat. He further stated that on 19.8.2020, when he went to Vijay Lakshmi Kiryana, opposite Kalanaur bus stand for purchase of milk, Vikram and Sachin alongwith other four boys, one of them namely, Chhotu started giving beatings to him. Vikram was holding an iron rod in his hand and hit with the same on the back side of his head. Sachin who was holding a hand pump handle also gave blow on his head and Chhotu who was holding a spade, gave blow on his left knee. One boy gave a blow on

him with a wooden stick and other boys also gave him leg and fist blows. On his raising an alarm ' *Maar Diya.. Maar Diya*', passerby's intervened and the accused fled away from the spot threatening him of his life. In the meantime, his brother Kapil reached there, who alongwith the help of passerby's took him to hospital. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that petitioner Gautam was neither named in the FIR nor any role has been attributed to him who was indicted as an accused subsequently on the basis of disclosure statement made by co-accused Vikram. He submits that the rest of the accused are also in custody and the investigation of the case is complete, but the trial is yet to commence, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Arjun and has opposed the aforesaid prayer on the ground that the petitioner has been named by his co-accused. However, it is not disputed that the investigation of the case is complete and the challan stands presented and the case is now fixed for 17.8.2021, for framing of charges.

Learned counsel for the complainant also opposed the prayer and argued that the petitioner does not deserve the concession of bail, being accomplice of other co-accused.

Considering the above background and the fact that the petitioner has been indicted as an accused on the basis of statement of co-accused and that the investigation of the case is complete, but the trial is yet

to commence, this Court is of the opinion that the same is likely to consume considerable time to conclude. Thus, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 4.11.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 26, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No