

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19187-2021

Date of Decision: 24.05.2021

Jatin alias Nato

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed seeking grant of regular bail under Section 439 of Code of Criminal Procedure in FIR No.729 dated 16.11.2020, under Sections 323, 504, 34 IPC (Sections 324 and 307 IPC added later), registered at Police Station Palla, District Faridabad.

As per the FIR which was lodged by brother of the injured it was stated that he had gone with his brother Vikash and at 11:30 p.m. on 11.11.2020 a phone call came from mobile of his brother Nishant (injured) that a fight has taken place between Nishant and Nishant has been admitted in Vinayak Hospital for treatment and when they reached the Vinayak Hospital then he was informed that his brother has received injuries and

when he asked his brother then he told that at Ambedkar Chowk, Ganga Ram Colony, Gali No.1, he had a fight with Vikash, Ginni, Golu, Chintu and name of others he did not know and the brother of the complainant was inflicted with knife injuries either by Ginni, Golu or Chintu and he became unconscious, thereafter, the accused ran away.

The learned counsel for the petitioner has argued that the petitioner is in custody since 19.12.2020 and the challan in the present case has been presented and the charges have already been framed and the case is now fixed for prosecution evidence. He submitted that as per the FIR nothing was attributable to the petitioner and, therefore, considering his custody, he may be granted the concession of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana, has submitted that it was a case where in fact the petitioner was the main accused and offence under Section 307 IPC was attributable to the petitioner and the injured himself had got recorded his statement under Section 161 Cr.P.C. which revealed that the injury by knife was attributable to the petitioner in his stomach as well as his chest. The learned State counsel further submitted that although some of the co-accused have been granted bail by the learned trial Court but the case of the petitioner was not at parity with the other co-accused because Section 307 was attributable to the petitioner. The learned State counsel further submitted that as per the medical report the injuries sustained by the injured were grievous and declared to be dangerous and also referred to Annexure P-3 which is the medical record of Shree Vinayak Hospital, wherein it has been mentioned that there are four cuts on body with multiple stabs (sharp injury) and various other injuries have been shown. He submitted that the

case is now fixed for prosecution evidence and there is every likelihood that in case the petitioner is released on bail then he may influence the witnesses or may tamper with evidence and that he may also flee from justice.

I have heard the learned counsel for the parties.

The case before the learned trial Court is fixed for prosecution evidence and none of the prosecution witness has been examined as yet. Even the injured has not been examined as yet. The plea of the learned counsel for the petitioner that as per the FIR nothing was attributable to the petitioner cannot become a ground for grant of regular bail because FIR is not an encyclopedia. The plea taken by the learned counsel for the State that there is likelihood that the petitioner may influence the witnesses or may tamper with evidence cannot also be ignored.

Therefore, at this stage, this Court considers that it is not a fit case for grant of regular bail to the petitioner and therefore, the present petition is dismissed.

However, nothing contained in this order shall be deemed to be considered anything on the merits of the case .

24.05.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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