

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

CRM-M-18731 of 2021

DECIDED ON: 18th MAY, 2021

Himanshu

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Fateh Saini, Advocate for petitioner.

Mr. Deepak Bhardwaj, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of regular bail in FIR No. 41, dated 25th January, 2020, under Sections 148, 149, 323 and 324 of IPC (Sections 506 and 307 of IPC 1860 added later on), registered at Police Station Sadar, Sonapat.

The FIR was at the behest of Manjeet. It was alleged that on 24th January, 2020, the complainant along with Pawan was sitting in the village school. He received a phone call from an unknown number, the caller asked him to come outside the school. On coming out, they saw 5/6 boys coming on two bikes who started throwing bricks upon them. One boy Jaideep gave knife blow on back of the complainant and also to Pawan. Rest of the boys gave fist and kick blows.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He was nominated on the basis of the disclosure statement of Jaideep. The only role attributed is of giving kick and fist blows. The petitioner is in custody since 24.11.2020. Challan has been presented. Car was recovered and no further recovery is to be made.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana on instructions from ASI Suresh submits that charges have been framed under Section 307 of IPC.

The petitioner was named in the disclosure statement. As per allegations in the FIR, he had given fist and kick blows. The stab blows are attributed to Jaideep. No recovery is to be made from the petitioner. As per the case put up, the car (ECCO) used in the incident has been recovered. The investigation is complete. The petitioner is not involved in any other case. Co-accused Ravi who was also nominated on the basis of disclosure statement of Jaideep was granted bail by this Court on 25.3.2021 vide CRM-M-12661 of 2021.

Considering the facts of the case, it would not be appropriate to deprive the petitioner of personal liberty.

The petition is allowed. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

It is clarified that observations made herein above shall not be construed as an expression of opinion on the merits of the case.

18th MAY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>