

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-19058 of 2021
Date of Decision: 30.06.2021

Sumit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.
Mr. Ankur Lal, Advocate,
for the complainant.
Mr. Zorawar Singh Chauhan, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.431, dated 30.08.2020, having been registered at Police Station Surajkund, District Faridabad, alleging therein the commission of offences punishable under Sections 148, 149, 323, 324 of the IPC (with Sections 325, 307 and 506 of the IPC added later).

Despite the order dated May 13, 2021, no reply has been filed by the State so far.

Be that as it may, learned counsel for the petitioner submits that the petitioner has now been in custody for more than 6 months, with the trial still to commence and the injury attributed to him being one punishable under Section 326 of the IPC and with one injury having been received in the occurrence (as contended) by the petitioners' father, whose arm was fractured, as also by his uncle on the head.

Learned counsel for the complainant on the other hand submits that the petitioner being part of a large group of people who attacked the complainant and his companions with *sarias*, *dandas* with nails etc., he does not deserve to be admitted to bail.

He further submits that the petitioner and his companions are habitual offenders, with another FIR having been registered on account of the attack made on the complainant party about a month earlier also.

To counter that, counsel for the complainant submits that in fact one day prior thereto the “complainant party” had also attacked the petitioner and his family, with an FIR registered against them also.

Learned State counsel reiterates what learned counsel for the complainant has already submitted and therefore his contentions are not specifically referred to.

Having considered the matter, without making any comment on the actual merits of the case, looking at the fact that the specific injury in respect of which an offence punishable under Section 307 of the IPC has been added, is stated to have been attributed to the petitioners' brother who is in custody, even though the provisions of Sections 148 and 149 of the Cr.P.C. have been invoked in the FIR, simply looking at the period of custody of the petitioner, with the trial still to commence, the petition is allowed and the petitioner is ordered to be released on bail upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court.

June 30, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No