

In virtual Court

CRM-M-20521-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20521-2021 (O&M)
Date of decision: 27.05.2021

Sumit @ Chida

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.227 dated 06.09.2020 under Sections 148, 149, 323, 325, 285, 506, 307, 379-A IPC and Section 25/54/59 of Arms Act, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioner relies upon the order dated 29.04.2021 passed in CRM-M-8291-2021, vide which co-accused Ankit Sharma @ Kala has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Counsel for the petitioner has submitted that the DDR No.9

dated 06.09.2020 was recorded on a complaint given by one Sachin Handa that when he along with his 03 friends were sitting at a liquor vend then, the accused Jaspreet @ Jassi, Parvinder, Tinku, Goldi and Rajat came there on their motorcycles and they forced him to sit on a motorcycle, due to which an altercation took place between them and in that scuffle, his gold chain weighing 05 tola was snatched away. It is further submitted that after registration of this DDR, on verification of the fact, FIR No.227 dated 06.09.2020 was registered under Section 379-A IPC. Thereafter, while conducting the investigation, the Investigating Officer verified the fact and recorded the statement of Jaspreet Singh on 07.09.2020 in which, no role was assigned to the petitioner. It is also submitted that thereafter, on 25.09.2020 Jaspreet Singh recorded a supplementary statement in which he has stated that the accused persons caused injuries to him and Darshan @ Bhura has fired a gun-shot which injured Rajat and on the basis of the same, Section 307 IPC was added.

Counsel for the petitioner has also submitted that the petitioner is in custody since 25.09.2020; the investigation is complete; it is a case of version and cross-version and it will take some time in conclusion of the trial due to COVID-19 situation.

Counsel for the State has, however, submitted that in the complaint given by Jaspreet Singh, the name of the petitioner was

there, however, there are general allegations that all the accused persons caused injuries to them and no specific role is attributed. It is further submitted that in the supplementary statement of Jaspreet Singh, it has come that the petitioner has caused injuries with an iron rod on his hand and he has suffered 04 injuries whereas Rajat suffered 06 injuries.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 25.09.2020; it is case of version and cross-version; challan stands presented however, the statement of the prosecution witnesses is yet to be recorded; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate....”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and no injury is attributed to him, however, his name surfaced in the supplementary statement of injured Jaspreet Singh. It is further submitted that the petitioner is in custody for the last 06 months and 20 days; challan has been presented and he is no more required for custodial interrogation.

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Learned State counsel has filed the custody certificate dated 26.05.2021 in the Court today and has submitted that the petitioner is involved in some other cases, however, he is on bail in 08 cases.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that co-accused has already been released on bail and the petitioner is no more required for custodial interrogation and also in view of the fact that it is a case of version and cross-version, 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/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

27.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No