

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-20997 of 2021 (O&M)
Date of decision: 18.06.2021

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Ramesh Goyat, Advocate for the petitioner.

Mr. Narinder Singh Behgal, AAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

CRM-15490 of 2021

As prayed for, application is allowed.

CRM-M-20997 of 2021

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.69 dated 20.03.2021 registered under Sections 148, 149, 323, 341, 506 IPC (Sections 307, 483 & 34 IPC added later on) at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR but, has only been roped in on the basis of the disclosure statement of a co-accused, which is not admissible. Learned counsel for the petitioner further submits that no injury caused on victim has been attributed to the petitioner.

Learned State counsel submits that as per the FIR Vijay @ Golu along with his 8 to 10 friends had given severe beatings to the victim namely, Sumit and it was only after the co-accused was arrested, the petitioner was named as one of the co-accused to be present at the site and, therefore, the petitioner cannot escape the liability. Learned State counsel further submits that investigation is over and challan has already been submitted. Learned State counsel concedes that there is no specific injury inflicted upon the victim has been attributed to the petitioner and no recovery has been done from the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, once the petitioner was not named in the FIR and has only been roped in on the basis of the disclosure statement of the co-accused and no injury inflicted upon the victim, has been attributed to the petitioner and also no recovery has been done from him, no useful purpose will be served by keeping the petitioner behind the bars especially, in the present situation of Covid-19 when the trial is likely to take some time before it concludes. Learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

June 18, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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