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

CRM-M-22681-2021

Date of Decision: 27.07.2021

Krishan @ Krishna**.. Petitioner****Vs.****State of Haryana****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.15 dated 05.01.2021 registered under Sections 147, 148, 149, 323, 325, 364 and 506 IPC at Police Station Model Town, Rewari, Haryana. The petitioner is in custody since his arrest on 17.01.2021.

The FIR was registered on the basis of statement of Mohit Mehendiratta and the allegations noticed by the Addl. Sessions Judge, Rewari in the order dated 28.05.2021, while declining the bail application of petitioner, read as under:

“FIR in this case came to be registered on the statement of injured Mohit Mehendiratta (hereinafter referred to 'the complainant’), wherein he alleged that he had finished Polytechnic course and had enmity with Mohit Sharma on account of some quarrel in the past, regarding which the complainant is facing criminal case. On 13.01.2021 the complainant alongwith his sister Divya had come on a motorcycle to the market of Sector-4, Rewari to purchase some household articles. At about 6:00 p.m., a white colour Bolero car stopped near them, from which Prince, Krishna, Deepanshu and Babu @ Pravesh got down and tried to catch the complainant, but he ran from there on foot, but was chased.

After a distance, the complainant fell down and those persons caught hold of him and gave kicks and fist blows and put him in the Bolero car, being driven by Gaurav @ Gori Sharma, who was elder brother of Mohit Sharma. On the way, the complainant was beaten up saying for the reason that he had beaten Mohit Sharma and those persons were also saying to kill him. Two boys on a motorcycle were then following Bolero car, and the complainant was taken near the house of Mohit Sharma, where the complainant was brought down and Babu @ Pravesh and Sibru @ Harsh, who were following on motorcycle, inflicted blows on the hands and legs of the complainant with the iron rods they were carrying. Prince, Krishna and Deepanshu hit the complainant with stones on his hands and legs and another boy accompanying Sibru @ Harsh kicked the complainant. They all were hurling abuses saying that they would kill him and since people from the nearby started gathering at the spot, the complainant was again put in the Bolero car and thrown at an open space behind Trauma Centre, General Hospital, Rewari and assailants fled from there. The injured complainant was taken to Pushpanjali Hospital, Rewari.”

Learned counsel for the petitioner contends that the accusations against the petitioner are vague, who allegedly caused injuries with his co-accused to the injured. According to him, the investigation of the case is complete, as the final report stands filed on 15.03.2021, but till date, charges have not been framed, therefore, the further detention of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Dinesh Kumar, has not disputed the above fact that the trial is yet to commence, but opposes the prayer on the ground that the petitioner is named in the FIR and his participation is specifically mentioned.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the challan has been presented on 15.03.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. The further detention of the petitioner behind the bars may not be necessary for

any useful purpose, who is presently confined in judicial custody after his arrest on 17.01.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Rewari.

The petition is allowed.

27.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No