

233

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.23057 of 2021 (O&M)

Date of decision: 29.06.2021

Mohit Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.19 dated 12.01.2021, for offence punishable under Sections 148, 149, 323, 325, 341, 506, 379-B, 120-B, 201 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Indri, District Karnal.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Amit Kumar, it is stated that he is working as a JBT Teacher in a government school and on 11.01.2021, when he was returning home on his motorcycle, he was way-laid by 05 boys on 03 motorcycles from the back side. Thereafter, 02 boys stood at a distance whereas 03 boys started giving beatings on his legs and arms with dandas and they have broken both of his legs and arms by inflicting danda blow. Thereafter, 02 boys standing nearby also gave beatings to him and while leaving the place of

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occurrence, they took out his chain and rings. Later on, the victim informed his brother Pardeep about the incident, who took him to a private hospital.

Counsel for the petitioner has argued that later on, the police recorded the statement of the victim Amit Kumar, who has stated that he has come to know that the injuries were caused to him on the asking of Rajinder, brother-in-law of late brother Sanjeev, Karan Singh, father-in-law and Kela Devi, mother-in-law. It is further stated in the statement that all the accused who are from the in-laws family of his deceased brother Sanjeev had been putting pressure on him to get married to Neelam, widow of his brother Sanjeev Kumar but he refused. Due to this reason, Neelam and her family members kept grudge and on 26.12.2020, Neelam committed suicide by swallowing some poisonous substance.

Counsel for the petitioner has further argued that after the arrest of the petitioner, his own disclosure statement was recorded in which it is stated that he has done recce of the movement of the victim Amit Kumar and has given information to the main accused persons, who caused injuries to the victim. It is also submitted that apart from this, there is no evidence that the petitioner was member of the unlawful assembly which caused injuries to Amit Kumar. Lastly, it is submitted that the petitioner is in custody for the last more than 04 months and he is no more required for further custodial investigation.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the police has earlier added Sections

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307 and 120-B IPC and later on, Section 307 IPC was deleted on the basis of the medical opinion.

Counsel for the State has also submitted that the victim was given multiple injuries which resulted into fractures on his arms and legs. Counsel for the State could not dispute that the primary allegations against the petitioner are that he has given information to the main accused persons about the movement of the victim Amit Kumar.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 04 months and 04 days; the petitioner is not involved in any other case; 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.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.06.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No