

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24081-2021

Date of Decision: 26.08.2021

Takdir

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Aayush Gupta, Advocate, for the petitioner.

Mr. Naveen Singh, Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0172 dated 01.08.2019, under Sections 148, 149 and 307 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Julana, District Jind.

Learned counsel for the petitioner has submitted that in the present case the petitioner was falsely implicated and in fact as per the prosecution story itself the only role attributable to the petitioner was raising of lalkara. He submitted that the other main co-accused Vijay as well as Kuldeep to whom the injury has been attributable even as per the

prosecution story have been already granted bail by the learned trial Court vide Annexure P-5 and P-6. He submitted that the petitioner is in custody since 17.08.2020 and challan qua the petitioner has been presented on 10.10.2020. He submitted that although earlier the proceedings under Section 82 Cr.P.C. were initiated against the petitioner in the present case but it was not due to the fault of the petitioner because he was in custody in some other case and later on he was got on production warrants and he was formally arrested in the present case on 17.08.2020 and since then he is in custody in the present case. He further submitted that so far as the other cases pending against the petitioner are concerned, the petitioner is on bail. He further submitted that till date no prosecution witness has been examined and the trial of the case would take long time and, therefore, he may be considered for the grant of regular bail especially in view of parity.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that the challan qua the petitioner has been presented on 10.10.2020. However, he submitted that there are other cases against the petitioner and, therefore, considering his antecedents he may not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner is in custody since almost one year and the investigation is already complete and after the presentation of challan as per the learned counsel for the parties the case has now been committed to the Court of Sessions. As per the FIR and the prosecution story, the role attributable to the petitioner was raising of lalkara whereas, the role attributable to the other co-accused namely Vijay and Kuldeep was causing

injury who have however been granted bail by the learned trial Court vide Annexure P-5 and P-6.

In view of the above, this Court is of the considered opinion that it is a fit case for grant of regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

26.08.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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