

CRM-M-26323-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-26323-2021 (O&M).
Decided on: July 19, 2021.**

Aaryan and another

.. Petitioners

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Yugal Kumar Jamwal, Advocate,
for the petitioners.**

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.125 dated 8.4.2021, under Sections 148, 149, 323, 324, 326, 307 and 120-B IPC, registered at Police Station City Thanesar, District Kurukshetra, Haryana.

As per the contents of the FIR which was lodged on the basis of statement made by one Sanjay Kumar son of Prem Singh, he runs a business near Taj Hotel and at his centre, one Abhishek's son Naresh Pal and other boys came for the purpose of coaching. On 8.4.2021, aforesaid

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Abhishek while going back to his home after getting coaching towards bus stand from the back road of the centre at about 1:15 P.M. was attacked by 5-6 boys with sticks in their hands and on hearing the noise he came down and the boys were having covered faces with clothes and were beating him mercilessly. The injured who received serious injuries was admitted to the hospital.

Learned counsel for the petitioners has submitted that although there is a CCTV camera footage with the police but the petitioners are not identified in CCTV footage and furthermore the boys who were beating aforesaid Abhishek were having muffled faces. He has submitted that the petitioners have been nominated without any justifiable cause because the petitioners were not even present at the time of alleged occurrence. He has submitted that the main accused in the case were Prikshit and Kamal who have been named and identified by the injured after he regained consciousness and so far as petitioners are concerned, they were not involved in the present case. He has further submitted that bail petition of the co-accused namely Prikshit has been dismissed but the petitioner is not on parity with said Prikshit because said Prikshit has been specifically named by the injured. He has submitted that the petitioners are in custody since 16.4.2021 and the investigation of the case is complete and challan stands presented and no recovery is to be made from the petitioners.

On the other hand, learned State counsel has submitted that it is correct that the petitioners are in custody since 16.4.2021 and the investigation of the case is complete and challan stands presented. He has

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stated that it is also correct that injured in his statement had attributed injuries only to Prikshit and Kamal. He has stated that so far as petitioners are concerned no recovery is to be made from them.

I have heard the learned counsel for the parties.

So far as the case of the petitioners is concerned, they are not on parity with aforesaid Prikshit whose bail petition has been dismissed by this Court by passing a detailed order. Further, the injured had identified and named only Prikshit and Kamal and the injuries were also attributable to them and they had caused injuries to the injured but the injured had taken the names of all other persons as well. Since the issue with regard to identification of the petitioners is a debatable issue and the investigation of the complete and no recovery is to be made from the petitioners and further the conclusion of trial is likely to take long time, this Court deems it fit and appropriate to admit the petitioner on bail.

Therefore, considering the totality of the circumstances of the present case, the present petition is allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the 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 only for the purpose of decision of present petition.

July 19, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No