

In virtual Court

CRM-M-28004-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28004-2021 (O&M)
Date of decision: 28.07.2021

Parveen Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.19 dated 12.01.2021 under Sections 148, 149, 323, 325, 341, 506, 379-B, 120-B IPC, registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner relies upon the order dated 29.06.2021 passed in CRM-M-23057-2021, vide which co-accused Mohit Kumar been granted the concession of regular bail. The operative part of the order reads as under: -

“...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 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 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...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and his name surfaced, after 36 days of the incident, though the complainant has named the accused persons in the FIR, who were known to him. It is further submitted that the petitioner is in custody for the last 05 months and 03 days and is not involved in any other case. It is also submitted that one more co-accused namely Vicky Kumar has been granted the concession of regular bail vide order dated 15.07.2021 passed in CRM-M-25586-2021 and in the absence of any specific allegation against the petitioner, he is also entitled to bail.

Learned State counsel has filed the custody certificate dated 27.07.2021 in the Court today and has not disputed the factual position and submits that challan has been presented.

As per the custody certificate, the petitioner is in custody for the last 05 months and 03 days and is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the facts and circumstances of

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the case and also in view of the fact that the petitioner is in custody of 05 months and 03 days and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No