

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31789-2021(O&M)

Date of decision : 28.10.2021

Sumit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.S.S.Nain, Advocate
for the petitioner.

Mr.Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-24077-2021

Allowed as prayed for.

CRM-M-31789-2021

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.277 dated 11.03.2020 registered under Sections 148, 149, 186, 307, 323, 324, 332, 353, 201, 506 and 120-B IPC and Section 25/54/59 of Arms Act 1959 at Police Station City Sonipat.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and was subsequently implicated in the case on the basis of confessional statement of co-accused Ankit. It is submitted that even as per the prosecution case, it is not the petitioner who had given any injuries which was dangerous to life and in fact the petitioner

role attributed to the petitioner that he had given injuries with fist and kick blows. He along with Himanshu (co-accused) had kept watch at the spot so that nobody comes and intervenes. It is further submitted that there is no specific injury attributed to the petitioner and that Ankit, who was armed with *danda* and had given a *danda* blow to Ajay and had named the petitioner in the disclosure statement, has already been granted regular bail vide order dated 29.06.2021 passed by a co-ordinate Bench of this Court in ***CRM-M-269-2021*** titled as ***Antil @ Ankit vs. State of Haryana***. It is further submitted that even co-accused Himanshu, whose role is similar to that of the petitioner, has also been granted regular bail by this Court vide order dated 16.09.2021 passed in CRM-M-38999-2020. It is submitted that the petitioner has been in custody since 25.05.2020 and the challan in the present case has already been presented and the charges have been framed and there are 19 witnesses and thus the trial is likely to take some time.

Learned State counsel, on the other hand, opposed the bail application and has submitted that the petitioner had also actively participated inasmuch as the petitioner gave kick and fist blows and also did not permit other persons to come and save the injured.

This Court has heard the learned counsel for the parties.

Keeping in view the facts and circumstances, more so, the fact that the petitioner was not named in the FIR and was only named on the basis of confessional statement of co-accused Antil @ Ankit and no recovery has been effected from the petitioner and even said Ankit, who in fact had given a *danda* blow to Ajay, has been granted regular bail vide order dated 29.06.2021 passed by a co-ordinate Bench of this Court and the petitioner was not carrying any weapon nor any specific injury has been

attributed to the petitioner and co-accused Himanshu's role is similar to that of the present petitioner, who has also been granted regular bail by this Court vide order dated 16.09.2021 and the petitioner has been in custody since 25.05.2020 and there are 19 witnesses and trial is likely to take time, more so, in view of the present Pandemic, hence this Court finds that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to the fact that he is not required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 28, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No