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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-32799-2021 in/and
CRM-M-33582-2021
Date of Decision: 06.10.2021

Harsh @ Sibdu

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sudhir Rana, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-32799-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-33582-2021

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.15 dated 15.01.2021 under Sections 147, 149, 323, 325, 364 and 506 Indian Penal Code, 1860 registered at Police Station Model Town, Rewari, District Rewari (Haryana). Petitioner is in custody since his arrest on 17.01.2021.

Brief facts of the prosecution case are that on 14.1.2021, complainant Mohit Mehendiratta gave a statement before the police in which he alleged that a quarrel had taken place between him and one Mohit Sharma son of Brij Bhushan, resident of Adarsh Nagar, Rewari and a criminal case was registered against him (complainant) regarding that quarrel and he is on bail in that case. The complainant further alleged that on 13.1.2021, he and his sister Divya had gone to the market situated at Sector-4, Rewari on motor-cycle. At about 6:00 p.m., a white coloured Bolero vehicle, which was being driven by Gaurav (petitioner), reached there and from that vehicle, Prince, Krishna, Dipanshu and Babu alias Parvesh came out. When they all tried to catch hold the complainant, he ran away and all the assailants chased him, as a result of which he fell down. All the assailants caught hold the complainant and they all gave merciless beatings to him with legs and fist blows. Thereafter, all the above said accused persons put him in the Bolero vehicle and they again gave beatings to him in the vehicle and later on threw him near the house of one Mohit Sharma. There, Babu @ Parvesh and Habdu, who were on bike, inflicted injuries on his legs with iron rods and then Prince, Krishan and Dipanshu hit him on his hands and feet with stones lying there. Then they again picked him up from there and put in Bolero car and threw him in the empty space behind Trauma Center GH Rewari and they ran away in their car from there. On these broad allegations, the formal FIR was registered.

Learned counsel for the petitioner has argued that the co-accused of the petitioner have been extended the concession of regular bail by this Court vide order dated 30.09.2021. According to him, the investigation of the case is complete and even charges have been framed on

27.07.2021, but as no prosecution witness has been examined so far, therefore, the petitioner be also released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Dinesh has opposed the prayer on the ground that the petitioner is named in the FIR and his participation is specifically mentioned. However, he does not dispute this fact that the co-accused of the petitioner have been released on bail. It is also not disputed that the charges were framed on 27.07.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 27.07.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 17.01.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

06.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE