

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37801-2021

Date of Decision: 20.09.2021

Prikshit Rajput

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Dhaliwal, Advocate, for the petitioner.

Mr. R.S.Jhand, Addl. Advocate General, 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. 125 dated 08.04.2021, under Sections 148, 149, 323, 324, 326, 307, 120-B/34 of IPC, registered at Police Station City Thanesar, District Kurukshetra.

The FIR was lodged on the basis of statement made by one Sanjay kumar who has stated that he is resident of Village Kirmach, Kurukshetra and he runs a High Lights Centre in the name of Bura Overseas near Taj Hotel and one Abhishek son of Naresh Pal and some other boys had come to his Centre for coaching. On 08.04.2021 the aforesaid

Abhishek after coaching was going towards the Bus Stand and from the back side door of the Centre at 1.15 P.M he was attacked by 5-6 boys with sticks in their hands and upon hearing noise, he came down and saw that all the boys whose names he does not know had covered their faces, fled away from the spot on their motorcycles alongwith their weapons after beating him mercilessly. The injured suffered serious injuries on his head, arm and legs and got unconscious and was thereafter, admitted in the hospital.

The learned counsel for the petitioner has submitted that the name of the petitioner has not been mentioned in the FIR and he has been falsely implicated. He further submitted that the other co-accused namely, Ankit, Parmod, Aryan and Chirag @ Chinu have been granted regular bail. He further submitted that during the investigation the injured had made a statement that one of the other co-accused namely, Kamal and the present petitioner had caused injuries. However, the other co-accused namely, Kamal has been granted regular bail by this Court vide CRM-M-32116-2021 and the present petitioner is at parity with the aforesaid Kamal. He further submitted that the petitioner is in custody since 18.05.2021 and challan qua the petitioner has already been presented after the investigation of the case on 10.06.2021 and no recovery is to be effected from the petitioner and, therefore, he may be considered for the grant of regular bail since the trial of the case would take long time. He further submitted that the petitioner is not involved in any other case.

On the other hand, learned State counsel has submitted that so far as the bail of the other co-accused is concerned, the same is not in dispute. He has also not disputed that the petitioner is at parity with the other co-accused namely Kamal who has been granted bail by this Court.

He has also not disputed that the investigation of the case is already complete and the challan has been presented qua the petitioner and no recovery is to be made from the petitioner. He has also not disputed that the petitioner is not involved in any other case. The custody period of the petitioner is also not disputed by the State. However, the learned State counsel has submitted that since it is a case where serious injuries were inflicted and the matter was serious in nature, the petitioner may not be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The factual position with regard to the custody and the grant of bail to the other co-accused including Kamal who is at parity with the petitioner is not disputed by the learned State counsel. It has also not been disputed by the learned State counsel that the petitioner is not involved in any other case and the investigation of the case is already complete and challan stands presented qua the petitioner. The plea taken by the learned counsel for the State that the matter was serious in nature since injuries were inflicted, the same can be seen at the time of the trial and so far as the present petitioner is concerned, no useful will be served in case he is kept in custody because the trial may take long time. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, 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.

20.09.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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