

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-38804 of 2021
Date of decision:23.09.2021

Banti Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.760 dated 11.10.2020 registered for offences under Sections 186, 332, 353, 506, 379-B of Indian Penal Code, 1860 at Police Station Sadar, Karnal (Annexure P-2).

As per the version of the prosecution, FIR (Annexure P-2) has been registered on the statement of a police official, Mahabir Singh, ASI on the allegation that at about 11.30 p.m. on 09.10.2020, when he was on duty, he caught two boys standing at Mohdinpur Grain Market and when he questioned them, one of them called out other by the name, Sunil and told

him to catch the police official from behind. Three other boys reached the spot, threatened him, snatched his personal belongings and inflicted stick blows. The complainant overheard exchange between the boys about lifting of paddy during the night. The petitioner was arrested on 13.10.2020.

Counsel for the petitioner submits that the petitioner is 35 years old illiterate labourer, doing petty labour work in the Grain Market. He urges that the petitioner has been falsely framed, he was not present at the spot and has been nominated as an accused on the basis of confessional statement of co-accused, Sanju. He contends that such a statement recorded in the police custody is not admissible in evidence. He asserts that the petitioner, who has clean antecedents, belongs to an economically weaker section of the society, is no longer required for custodial interrogation as the challan qua him has been presented and the trial is not progressing.

Opposing the petition, State counsel upon instructions from SI Ajaib Singh, submits that recovery of a wooden stick with which the petitioner had inflicted the injury on the complainant, has been effected from him. As per his instructions, the challan has been presented on 12.01.2021, charge has been framed on 27.07.2021 and the next date before the trial Court is 01.11.2021, though none out of 09 prosecution witnesses have been examined.

I have considered the respective submissions of counsel for the parties.

Keeping in view the fact that the petitioner has been arraigned as an accused on the basis of a confessional statement of co-accused, the

legality and veracity of which is yet to be tested, this Court is prima facie of the view that the petitioner, who is in custody for last more than 11 months, has unblemished past and the trial is at its initial stage, deserves to be enlarged on bail during the pendency of the trial.

Without examining the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

September 23, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No