

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(227)

CRM-M-39162-2021
Date of decision:- 04.10.2021

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Sandhu, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 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 and 379-B of the Indian Penal Code, 1860 at Police Station Sadar, Karnal.

As per the version of the prosecution, FIR 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, he caught two boys standing at Mohdinpur Grain Market and when he questioned them, one of them addressed another by the name, Sunil and told him to hold the police official from behind. Three other boys reached the spot, threatened him,

snatched his belongings and inflicted stick blows upon him. 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 a 29 year old small farmer, whose land is located adjacent to the Grain Market. He urges that the petitioner though named in the FIR, has been falsely framed even though he was not present at the spot. He submits that the petitioner, who has clean antecedents, is a person with meagre income and is no longer required for custodial interrogation as challan qua him has been presented and the trial is not progressing.

Per contra, learned State counsel, upon instructions from, SI, Ajaib Singh, has opposed the petition and submitted that the petitioner is the main accused and recovery of wooden stick has been effected from him. Upon further instructions, he submits that 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 the nine prosecution witnesses have been examined.

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

Keeping in view the nature of allegations, gravity of offence and the fact that the petitioner, who has unblemished antecedents and has suffered incarceration for the last almost one year, deserves to be enlarged on bail as the trial is likely to take time to conclude.

Without examining the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner, namely, Sunil, 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.

(SUVIR SEHGAL)
JUDGE

04.10.2021
Kamal

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