

CRM-M-39479-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-39479-2021.
Date of Decision:-27.09.2021.

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Azad Singh, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0568 dated 09.12.2020 under Sections 323, 324, 325, 341, 506, 307/34 IPC, registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner has submitted that in the present case, as per the allegations in the FIR, the fatal injury has been attributed to one Vikas and not to the petitioner. It has been submitted that the allegation against the petitioner was that he had caught hold of the complainant. No specific injury has been attributed to the petitioner, as it has been stated that all the co-accused started giving fist blows. The

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petitioner has never been involved in any other criminal case and in the present case, there is no recovery which has been made from the petitioner and the challan has already been presented and the petitioner was arrested on 03.03.2021 and in the challan, there are 27 witnesses, thus, the trial is likely to take time. Therefore, learned counsel for the petitioner prays for grant of regular bail to the petitioner.

Learned State counsel has opposed the present bail application and has submitted that in the present case, the challan has been filed and there are 27 witnesses and the charges have not been framed as yet. It is submitted that the petitioner had also participated with the other co-accused in causing injuries to the complainant.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that no specific injury is attributed to the petitioner and the injury attracting Section 307 IPC has been attributed to the co-accused Vikas and no recovery has been effected from the petitioner and the petitioner has not been involved in any other case and the challan has also been presented and there are 27 witnesses, out of which none have been examined and the trial is likely to take time, the present petition deserves to be allowed.

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 him not being 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

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independently of the observations made in the present case which are only
for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 27, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No