

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41149-2021

DATE OF DECISION: OCTOBER 6, 2021

KAPPU @ ANKIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. HARMANPREET KAUR, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.267 dated 21.5.2021, under Section 323, 427, 452, 379A, 506, 34 IPC, Police Station City Kaithal. The petitioner is in custody since his arrest on 3.6.2021.

The allegations contained in the FIR as noticed by the Sessions Judge, Kaithal in the order dated 17.9.2021, are as under:-

“Complainant-Manoj s/o Baljeet has alleged that: on 19.5.2021, applicant-Kappu s/o Bobby told him that he (complainant) used to secretly inform Police about their (Kappu etc.) selling liquor. Complainant replied that: he never used to give any secret information. On this issue; Kappu-applicant gave him (complainant) beatings and he (complainant) got himself medically examined from Government Hospital. Being frightened; he did not complain to police, as Kappu applicant is a boy of quarrelsome nature. While keeping this grudge; on 20.5.2021 at about 10:00 p.m.; applicant-Kappu s/o

Bobby, Sajan son of Sagar, Lovely s/o Balbir and Tota alongwith 8-10 boys came at his house armed with lathis and dandas. They entered his (complainant's) house and began to beat him and his brother Sonu. They broke apart glasses of his (complainant's) Bolero Pick-up vehicle No.HR64-6044, parked outside his house. Lovely snatched silver chain which he (complainant) was wearing around his neck. On their cries of "Mar diya Mar diya" and on seeing neighbourers coming; assailants fled away by extending threat of dire consequences to him (complainant). On these allegations, aforesaid FIR was registered."

Learned counsel for the petitioner has argued that the petitioner was falsely implicated and the allegations of snatching the chain are levelled against co-accused Lovely who has already been released on regular bail. According to the learned counsel, as the investigation of the case is complete, therefore, the petitioner be also extended the concession of regular bail.

On the other hand, learned counsel for the State assisted by ASI Sanjay does not dispute this fact that the investigation of the case is complete, as challan stands filed on 31.8.2021 and the co-accused has been released on regular bail. According to him, the said accused was juvenile.

Considering the above background and the fact that the challan stands filed and the co-accused has already been released on regular bail, therefore, this Court is of the opinion that 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 3.6.2021, as the trial of the case is likely to consume considerable time to conclude.

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 concerned.

The petition is allowed.

October 6, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No