

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.43809 of 2021
Date of Decision: October 28, 2021

Anwar

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sanpreet Sandhu, Advocate,
for the petitioner.

Mr.Bhupender Singh, DAG, 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.314 dated 10.08.2020 registered under Sections 148, 149, 323, 341, 332, 353, 379-B, 186, 506 Indian Penal Code, 1860 (Section 307 IPC deleted later on) at Police Station Indri, District Karnal, who is in custody since his arrest on 31.08.2021.

The FIR was registered on the basis of complaint of HC Pardeep Kumar and the allegations as noticed by the learned Sessions Judge, Karnal in the order dated 01.10.2021 are as under:-

“In brief, the allegations against the applicant-accused as per police reply are that on 10.08.2020 a rukka alongwith MLRs of injured Pardeep son of Jarnail Singh and Parminder son of Joginder were received at the police station from CHC Indri. Upon this, ASI Gurjit Singh alongwith another police official reached CHC Indri where injured Pardeep son of Jarnail

Singh met him and presented an application to the effect that he (HC Pardeep Kumar No.1/12 SET) is posted in Mining Department, Haryana. During the intervening night of 9/10.08.2020, he alongwith his team Ct. Dharmender No.932 KNL., Ct. Ravinder No.627 YNR., Ct. Parminder Singh No.381 YNR and Ct. Sanjeev No.88 YNR was present at Village Garhi Birbal, P.S. Indri to check illegal mining. Ct. Parminder and Ct. Ravinder were in civil dress and Ct. Dharmender and Ct. Sanjeev were in uniform. Ct. Dharmender, Ct. Sanjeev and Ct. Ravinder were in a private car bearing no. HR-92-6612 and he alongwith Ct. Parminder were on a private motorcycle. At about 02:30 am, one tractor of make Sonalika alongwith trolley loaded with sand came from the side of Village Chandraao. Upon seeing the tractor-trolley, Ct. Dharmender and Ct. Sanjeev gave signal to stop the same. Then, tractor driver stopped and upon asking him to produce bill of the sand loaded in trolley, he told that there was no bill of sand as sand was brought illegally from Yamuna river. Thereafter, Ct. Ravinder sat on the tractortrolley and (Akshdeep Mahajan) ASJ, Karnal. 01.04.2021 Intzar versus State of Haryana 3 BA-830-2021 asked tractor driver to take it to Police Station Indri. At about 03:00 am when they reached the road near Village Khera, then a car came all of a sudden from a kucha road on the left side and stopped the tractor-trolley. Thereafter, five persons came out from the car and at the same time, two motorcycles on which five persons were riding stopped behind them. The persons who came on motorcycles were armed with dandas and pipes. Out of them, one stated that Intzar let us teach them a lesson. Another person called out to persons ahead of tractor trolley and stated that Anwar let us teach them a lesson. Upon this, the five persons ahead of tractor-trolley took out swords and dandas from the car and came near them. Thereafter, they all attacked them with swords, dandas and pipes with intent to kill them. In this attack, he sustained injuries on his legs, arms, head and waist and the said persons

also inflicted injuries upon Ct. Parminder. When they raised hue and cry, then the assailants snatched his mobile phone of make Samsung from his pocket alongwith two currency notes of denomination Rs.500 each kept inside the cover of mobile and fled away from the spot alongwith their respective weapons. He and Ct. Parminder can identify the assailants in case they came in front of them.”

Learned counsel for the petitioner has argued that the co-accused of the petitioner have already been released on regular bail vide orders dated 24.03.2021, 09.04.2021 and 28.07.2021 (Annexures P-1 to P-3, respectively). According to him, though the charges were framed on 01.04.2021, but the trial is yet to commence as no witness has been examined so far. He prays for bail.

On the contrary, learned State counsel assisted by SI Roop Chand has opposed the prayer, but it is not disputed that the case of the petitioner is at par with the co-accused Intzar, who has already been released on bail. He further points out that the petitioner is involved in another case, in which he is on bail. However, it is not disputed that no witness has been examined so far out of total twenty two prosecution witnesses.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner have already been released on regular bail, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 31.08.2021. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the

merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Karnal.

October 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No