

CRM-M-38999-2020

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

CRM-M-38999-2020.
Date of Decision:-16.09.2021.

Himanshu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sahil Gupta, Advocate for
Mr. Ketan Antil, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.277 dated 11.03.2020 under Sections 148, 149, 186, 307, 323, 324, 332, 353, 201, 506, 120-B IPC and Sections 25, 54 and 59 of the Arms Act, 1959 (Sections 201, 120-B IPC and Sections 25, 54 and 59 of the Arms Act added later on), registered at Police Station City Sonipat, District Sonipat, Haryana.

Reply filed by the learned State counsel is taken on record.

Learned counsel for the petitioner has submitted that the petitioner was not named as an accused in the FIR and was subsequently falsely implicated in the case. It is submitted that even as per the

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prosecution case, it is not the petitioner who had given any injury, which was dangerous to life and in fact the petitioner was not carrying any weapon, much less any dangerous weapon and the only role attributed to the petitioner is that he was present at the spot and had caused injuries with fist and kick blows and he along-with Sumit had kept a watch at that spot so that nobody else comes and intervenes. It is further submitted that there is no specific attribution to the petitioner as to which injury the petitioner had caused. Learned counsel for the petitioner has further relied upon the order dated 29.06.2021 passed by a Co-ordinate Bench of this Court in **CRM-M-269-2021** titled **Anil @ Ankit Vs. State of Haryana** vide which the co-accused Antil @ Ankit has been granted the benefit of regular bail, although as per the prosecution version, the said Antil @ Ankit was armed with danda and is alleged to have given a danda blow to Ajay. Learned counsel for the petitioner has further submitted that the petitioner has been in custody since 25.05.2020 and the *challan* in the present case has been presented and the charges have also been framed but only one prosecution witness has been examined and the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the bail application but however, has not disputed the factual assertions advanced by the learned counsel for the petitioner. Learned State counsel, on instructions from ASI Jagdish has submitted that there are 19 witnesses and only 01 has been examined.

This Court has heard the learned counsel for the parties.

Keeping in view the above facts and circumstances, moreso, the facts that the petitioner was not named in the FIR and co-accused Antil

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@ Ankit, whose role was more than that of the petitioner as per the prosecution version, has already been granted the concession of regular bail vide order dated 29.06.2021 passed by a Co-ordinate Bench of this Court and that the petitioner was not carrying any weapon nor any specific injury has been attributed to the petitioner and also the fact that the petitioner has been in custody since 25.05.2020 and out of 19 witnesses, only one witness has been examined and thus, the trial is likely to take time, hence, this Court finds that the petitioner deserves the concession of regular bail.

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.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed 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 16, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No