

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48581-2021
Date of Decision:24.11.2021

Shaukat

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No 30 dated 26.03.2021, under Sections 148/149/323/506 IPC (later on Section 307 IPC was added), registered at Police Station Division Utawar, District Palwal.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 29.09.2021 and the petitioner has been falsely implicated in the present case and in fact there was no role attributable to the petitioner. He submitted that the investigation of the case is complete and challan has been presented and no recovery is to be effected from the petitioner. The learned counsel while referring to the FIR has

submitted that although in the FIR it has been stated that the petitioner and other persons had come on the site alongwith lathi, dandas and iron rod etc. but in fact there was no role attributable to the petitioner at all. He submitted that the injury, if any was caused by the other co-accused namely, Yakub, Vakil @ Wasim and Sanjida @ Kali and the role attributable to the petitioner and other remaining co-accused was that they had punched and slapped the injured. He referred to Annexure P-2 which is a statement of the injured under Section 161 Cr.P.C to support his contentions. He submitted that the petitioner is not involved in any other case and he is not a habitual offender and trial of the case would take long time and, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that after investigation when the challan was presented the role attributable to the petitioner was found to be that he had given some slaps and punches whereas the injury on the head has been caused by the other co-accused. He submitted that it is correct that the petitioner is in custody from 29.09.2021 and there is no other case against the petitioner.

I have heard the learned counsel for the parties.

In view of the factual position wherein in the challan itself it has been stated by the State that the role attributable to the petitioner was only giving of slaps and punches and the fact that the petitioner is admittedly not involved in other case and is not a habitual offender and the trial of the case would take long time. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstances the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.11.2021

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No