

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

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CRM-M-50492-2021

Date of Decision : December 07, 2021

PARVESH KUMAR

.....Petitioner

VERSUS

THE STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

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

Mr. Namit Khurana, Advocate
for respondent No.2.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.324 dated 31.7.2021 under Sections 148, 149, 323, 364 and 506 IPC, Police Station Gandhi Nagar, District Yamuna Nagar.

The learned counsel for the petitioner has submitted that it is a case where the alleged injuries were simple in nature and so far as the petitioner is concerned, he is already in custody from 10.8.2021 which is almost four months and investigation of the case is already complete and thereafter the challan has been presented before the competent Court under Section 173 Cr.P.C. He has submitted that no recovery is to be effected from the petitioner and the petitioner was falsely implicated and he has got clean antecedents and there is no other case against the

petitioner. He further submitted that even as per the allegation in the FIR, the role attributable to the petitioner is that he had given a danda blow on the leg which is a non-vital part. He further referred to the bail order with respect to co-accused, namely, Amandeep Singh @ Aman dated 23.11.2021 in CRM-M-48168-2021, who has been granted bail by this Court.

On the other hand, Mr. Arya, learned Addl. Advocate General, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the investigation of the case is already complete and the challan has been presented before the competent Court but the charges have not been framed. He has also submitted that the petitioner is not involved in any other case and the injuries were simple in nature. However, he has opposed the grant of bail to the petitioner on the ground that a number of persons had attacked the complainant and caused injuries.

Mr. Namit Khurana, Advocate has also appeared for the complainant and has stated that so far as the present petitioner is concerned, he is not at parity with the other co-accused, namely, Amandeep Singh @ Aman because the petitioner was the main accused in the present case. He has, therefore, opposed the grant of bail to the petitioner.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the petitioner is not involved in any other case and the investigation of the case is already complete and thereafter the challan

has been presented before the competent Court and that no recovery is to be effected from the petitioner. Even if the petitioner is not at parity with the other co-accused still the case of the petitioner can be considered on its own merits. It is a case where the petitioner is not involved in any other case and he has faced incarceration for about four months. The allegation against the petitioner was that he had given a danda blow on the leg of the complainant. The trial of the case may take long time and 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 any evidence or may flee from justice.

Therefore, considering the totality of the facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

December 07, 2021

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(JASGURPREET SINGH PURI)
JUDGE

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