

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-2094-2022

Date of decision: - 21.01.2022

Yuvraj Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Singh Jattan, Advocate,
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.308 dated 04.12.2021, under Sections 148, 149, 323, 506 & 307 IPC (added later on), registered at Police Station Mullana, District Ambala.

Learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR, no specific injury has been attributed to him and no weapon has been recovered from him. It is further submitted that the petitioner was stated to have been identified by one Sahil (injured), but the said Sahil has given an affidavit to the effect that it was not the present petitioner who had caused any injury and he was not even present at the spot. Further, reference has also been made to

an affidavit of the complainant dated 22.12.2021 (Annexure P-1), as per which also, it is stated by the complainant that he knows the petitioner very well and he was not the same person, who was present at the spot or had caused the injuries. The petitioner is stated to be in custody since 21.12.2021 and the presentation of challan and trial is likely to take a long time in view of the present pandemic and thus, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel, on instructions from PSI Mandeep Singh, has opposed the present petition for regular bail and has submitted that the petitioner is involved in three other cases, however, the factum of the compromise/affidavit of the complainant and injured has not been disputed. It is further submitted by learned State counsel that the brick bat has already been recovered as well as the vehicle which had been used in the alleged crime, has also been recovered.

Learned counsel for the petitioner in rebuttal has relied upon a judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi** Vs. **State of U.P. and another**”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail petition and the bail petition of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be

rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard the learned counsel for the parties and has gone through the paper-book.

It is not in dispute that the petitioner was not named in the FIR and there was no specific attribution to him, nor he was stated to be carrying any weapon. Moreover, the complainant as well as Sahil (injured) have specifically given affidavits stating that the petitioner was not present at the time of occurrence and he had not caused any injuries to either of them. The petitioner has been in custody since 21.12.2021 and the recovery has already been effected and thus, no useful purpose will be served by keeping him in custody, when the presentation of the challan and the trial is likely to take time, moreso, in view of the present pandemic and thus, the present petition for grant of regular bail deserves to be allowed.

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 / CJM, and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences any witness, then it would be open to the State to move an application for cancellation of bail of the petitioner.

Nothing stated above shall be construed as a final expression

of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

January 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No