

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

CRM-M-3162-2022

Date of decision: 02.02.2022

Ashwani @ Soni and another

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Saurabh Dalal, Advocate,
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek regular bail in case bearing FIR No.225 dated 29.08.2021, registered at Police Station Bahu Akbarpur, District Rohtak, under Sections 148, 149, 323, 341, 307 and 506 IPC.

Learned counsel for the petitioners contends that as per the prosecution version, five muffled face persons attacked complainant-Surender; that the petitioners were not named in the FIR and rather have been indicted on the disclosure statement of co-accused, namely, Sunny; that injury entailing the offence under Section 307 IPC has allegedly been attributed to Sanjay @ Ravan @ Fouji, but not to the petitioners and the said fact has also been mentioned in the disclosure statement of the aforesaid co-accused Sanjay @ Ravan @ Fouji, recorded on 26.11.2021; that in his supplementary statement, recorded on 12.09.2021, the complainant mentioned the names of the petitioners, and that the petitioners have been in custody since 19.09.2021. On this premise, the learned counsel prays for the regular bail of the petitioners.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioners, submits that the petitioners had actively participated in the commission of the offence; that the complainant was pulled down from a tractor and thereafter, the petitioners and other co-accused had caused injuries to the complainant and his wife.

I have heard the learned counsel for the parties.

The challan stands presented. The injury entailing the offence under Section 307 IPC has not been attributed to the petitioners. The petitioners have been in custody since 19.09.2021. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioners are ordered to be released on bail, subject to their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

02.02.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No