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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3345 of 2022 (O&M)

Date of decision: 05.04.2022

Bhim

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0248 dated 27.05.2021, for offence punishable under Sections 147, 148, 149, 307, 323, 324, 506 of the Indian Penal Code, 1860 (in short 'IPC') (Section 326 IPC added later) registered at Police Station Narnaund, District Hansi.

Counsel for the petitioner has submitted that the petitioner is in custody for the last about 10 months and 06 days and all the material witnesses have already been examined. It is further submitted that as per the statement of PW-1 Kuldeep, after giving all the version of the FIR, stated that all the co-accused in conspiracy with each other came armed with weapons and caused injuries to Anil and Sikander. It is further submitted that the only role attributed to the petitioner is that he was armed with lathi, however, nothing is stated that the petitioner has caused any injury to the victims. It is also argued that the petitioner is an old man aged about 64 years and is suffering from age related

problems and is having clean antecedents.

Counsel for the petitioner has also referred to the statement of PW-2 Sikander, one of the injured witness as well as PW-3 Amit and PW-5 Anil, to submit that even these witnesses have not attributed any injury towards the petitioner.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 10 months and 06 days; the petitioner is not involved in any other case; all the material witnesses have not attributed any injury towards the petitioner; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No