

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3569-2022
Date of Decision: 03.02.2022

Jatin

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.K. Sharma, 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.651 dated 12.08.2021, under Sections 148,149,323, 308, 379-B, 506 IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

The learned counsel for the petitioner has submitted that in the present case the petitioner is in custody from 31.08.2021 and investigation of the case is already complete and thereafter, the challan has been presented before the competent Court. He further submitted that no recovery is to be effected from the petitioner and in fact the other co-accused have been granted bail by this Court. He referred to Annexure P-2 wherein the other co-accused namely Umit Gupta was granted regular bail by this Court and

he has also pointed out that the other co-accused namely, Shivam Kapoor, Kuldeep Singh, Balbeer Singh @ Goldi, Sahil @ Aman Randhawa, Taranjeet Singh @ Vansh Atwal have been granted anticipatory bail by this Court. He further submitted that even as per the allegation the petitioner was attributable with an injury caused to injured Sahil on the right arm with an iron rod which is on the non-vital part of the body. He further submitted that although the petitioner is involved in four more cases but the petitioner is already on bail in those cases and it was only because of pendency of these cases that the petitioner has been falsely implicated in the present case. He further submitted that be that as it may since the petitioner is in custody from 31.08.2021 and investigation of the case has already been completed and trial of the case would take long time, 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 so far as the custody period of the petitioner is concerned, the same is correct and it is also correct that investigation of the case is already complete and challan has been presented before the competent Court and no recovery is to be effected from the petitioner. He has also not disputed that the other co-accused have been granted either regular bail or anticipatory bail by this Court. He has however submitted that so far as the other co-accused namely Umit Gupta who has been granted regular bail by this Court is concerned, the petitioner is not at parity with him because there was no specific attribution to the aforesaid Umit Gupta whereas in the present case there is specific attribution of giving iron blow on the right arm of the injured Sahil.

I have heard the learned counsel for the parties.

The petitioner is in custody from 31.08.2021 and investigation of the case is complete and no recovery is to be effected from the petitioner as per the learned State counsel. Although the petitioner may not be stated at parity with the aforesaid Umit Gupta but the injury attributable to the petitioner was on the right arm which is a non-vital part of the body and many other co-accused have also been granted anticipatory bail by this Court. The trial of the case will take long time. The State has not taken up the plea that in case the petitioner is released on bail, then he may abscond from justice or may repeat the offence. However, the learned Additional Advocate General has submitted that there is a possibility that he may influence the injured, in case he is released on bail. On a specific query being asked from the learned State counsel as to whether there is any sufficient material available to him with regard to the aforesaid objection taken by him that the petitioner may influence the witness, the learned Additional Advocate General has submitted that there is no sufficient material available to arrive at any such apprehension.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, 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.

It is made clear that in case at any point of time the petitioner violates any condition of the bail or tries to influence any witness, then the State would always be at liberty to file an appropriate application/petition

before this Court in accordance with law.

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.

03.02.2022

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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