

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

211

CRM-M-4047-2022

Date of decision: 06.04.2022

RINKU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Virender Soni, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 590 dated 16.09.2021 registered under Sections 323/324/34/341/506 of the Indian Penal Code, 1860 at Police Station Chandnibagh, District Panipat to which Sections 307/325 IPC were added later on.

The present FIR has been registered on statement of Nitin against Rinku (petitioner) and Manish on the allegations that on 15.09.2021, at about 9.00 P.M., his uncle Mohit was going with his fruit cart, then suddenly Rinku son of Rabir stopped his way. Co-accused Manish, relative of Rinku slapped Mohit. Then Vishal and Shivam came to the rescue of his uncle Mohit. The petitioner gave an axe blow on the head of Shivam and hit on the neck of the complainant whereas, co-accused Manish gave an axe blow to Vishal and also hit

Sakshi. Thereafter, people gathered over there and the accused persons after giving threats fled from the spot with their respective weapons.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of respondent/State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There are major contradictions and improvements in the statements of the complainant and injured persons. The petitioner is in custody since 14.11.2021. Trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has stated that the allegations against the petitioner are serious. Therefore, the petition for grant of regular bail to the petitioner may be dismissed.

During the course of arguments, learned Counsel for the petitioner has placed on record statements of the prosecution witnesses/injured. On perusal of the statements, it is seen that the injured persons as well as the complainant have not supported the case of the prosecution.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, material witnesses/injured not supporting the case of prosecution, custodial interrogation of the

petitioner not required but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

06.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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