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

CRM-M-7037-2022

Date of Decision: 23.02.2022

Durgesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ritesh Tomar, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

(Through Video Conference)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking regular bail in FIR No.419, dated 22.10.2021, under Sections 323, 341, 379-B, 506 and 34 of the IPC, registered at Police Station Gandhi Nagar, District Yamuna Nagar.

Learned counsel for the petitioner argues that the allegations which have been alleged against the petitioner in the present FIR are false and motivated as the complainant is the neighbour of petitioner, with whom he has a dispute. Learned counsel further submits that the similarly situated co-accused persons have already been granted the concession of regular bail by the learned trial Court but the petitioner has been declined the said benefit only on the ground that he is facing trial in another FIR. Learned counsel further submits that the petitioner is already on bail in the said case. Learned counsel for the petitioner also undertakes before this Court that the petitioner will not influence the trial or any witnesses in any manner, in case

he is extended the concession of regular bail.

Learned State counsel, on instructions from ASI Rishipal, concedes the factum that the allegations alleged against the petitioner and the other co-accused persons, who have already been extended the concession of regular bail by the learned trial Court, are similar in nature and the only differentiated fact between the petitioner and the other co-accused persons is that the petitioner is facing trial in another FIR, though he is on bail in the said FIR.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts that in the present case, except for the allegation that the petitioner has inflicted simple injury upon the complainant, the other allegations alleged against him are yet to be proved during the trial and the other co-accused persons, against whom similar allegations have been alleged, have already been extended the concession of regular bail by the learned trial Court, no useful purpose will be achieved in keeping the petitioner behind the bars during entire period of trial as the trial is likely to take some time before it concludes in view of the restrictive working of the Courts due to Covid-19 pandemic, especially in view of the fact that learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial or any witnesses in any manner, in case he is extended the concession of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

23.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No