

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

CRM-M No.6298 of 2020 (O&M)

Date of Decision: 16.05.2022

Vivek Gupta

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Nikhil Chopra, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana
for the respondent.

Mr. Saransh Sabharwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Third petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.421 dated 02.09.2018, under Sections 323, 506 of the Indian Penal Code, 1860 (Section 304, IPC added later on), registered at Police Station Sector 5, Panchkula.

Brief allegations are that on 01.09.2018 at about 1:36 PM, Som Nath (injured/deceased) made a call to his son (complainant-Virender) that Vivek Gupta (petitioner) gave him beatings in Haripur and due to that, his health condition is not good. Complainant along with his uncle-Gurjeet Singh reached at the spot, where he came to know that neighbours had taken his father to General Hospital, Panchkula. Petitioner also threatened the complainant to the effect that if he will give a police complaint, he will beat him as well. Due to the serious condition of Som Nath, he was referred to the PGI, Chandigarh. During investigation, petitioner

was arrested under Sections 323, 506, IPC and was released on bail. Subsequently on 10.09.2018, aforesaid Som Nath died due to the injuries caused by petitioner and offence punishable under Section 304, IPC was added.

This Court, on 27.11.2020 while granting interim bail to petitioner, passed the following order:-

“Jointly states that CRR No.736 of 2019 filed at the instance of the complainant (Virender) is pending for 21.12.2020 and passing of the final judgment by learned trial Court, in FIR No.421 dated 02.09.2018, under Sections 323, 506 of IPC (Section 304 IPC added later on) registered at Police Station Sector-5, Panchkula, has been stayed.

To be heard along with CRR No.736 of 2019, on 21.12.2020.

*Since passing of the final judgment has been stayed; therefore, let petitioner be released on interim bail, in this case, **till the next date of hearing**, subject to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.”*

Learned Counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court. Also submits that there is no apprehension that petitioner is likely to interfere in the proceedings before learned trial Court or to influence the prosecution witnesses in any manner.

The above factual position is duly acknowledged by learned State Counsel.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 27.11.2020, is made absolute. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

May 16th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>