

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

214

CRM-M-9811-2022

Date of Decision: 19.05.2022

VARUN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Harpal P.S. Chopra, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Kushagra Beniwal, Advocate
for complainant.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking regular bail under Section 439 of the Code of Criminal Procedure, 1973, in case bearing FIR No.586, dated 13.09.2021 under Sections 148, 149, 323, 324 and 506 of the Indian Penal Code, 1860 (Sections 325, 326 and 307 of the IPC added later on in the challan), registered at Police Station Shahabad, District Kurukshetra.

Learned counsel appearing on behalf of petitioner *inter alia* contends that the FIR in question has been registered at the instance of one Avtar Singh son of Karnail Singh, who has claimed that on 11.09.2021, he alongwith his brother and friend was sitting under Majri Mohalla, Grain Market, Shahabad. At about 07.30 P.M. when he was informed by his friend Gurcharan that on account of enmity with Sahil Balmiki son of Raju and Sahil Gagat son of Ramesh, he feels constantly endangered. During the said

course, 4-5 motorcycle came to the spot, on which Sahil son of Raju and Sahil Gagat son of Ramesh and Varun son of Kala, Karna son of Kala alongwith other persons came to the spot and started abusing Gurcharan and caused injuries. He contends that even though the petitioner has been named in the FIR, however, there is no specific attribution to the petitioner towards causing of any injury to any of the victims or the complainant. It is further pointed out that the injury attracting the offence punishable under Section 307 of the IPC are attributed to other accused persons. He further submits that the petitioner is in custody since 07.11.2021 and that the investigation of the case is already complete. A final report under Section 173 of the Cr.P.C. has also been filed in the Court concerned. Charges, however, have not been framed so far. Conclusion of trial might take long time. He contends that the petitioner is 19 years of age and does not suffer from any criminal antecedents.

Per contra, learned State counsel assisted by the learned counsel for the complainant points out that the petitioner was part of an unlawful assembly, which opened attack resulting into injuries on the person of the injured that attracted Section 307 of the IPC. He submits that as many as three injuries were found dangerous to life, which shows that the attack was brutal. He, however, could not controvert the fact that the investigation is already complete and that the petitioner does not suffer from any criminal antecedents. It is also not controverted that the petitioner has not been attributed any injury to the victim or the complainant, despite his name being mentioned in the FIR.

Hence, taking into consideration the period of custody, the role

attributed to the petitioner, the stage of trial before the trial Court and also the tender age of the petitioner, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner Varun son of Deepak @ Kala is admitted on regular bail in the instant case subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

19.05.2022
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No