

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

CRM-M-11916 of 2022

DECIDED ON:25th March, 2022

Rahul @ Shera

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Harkesh Manuja, Advocate for petitioner.

Mr. Ramesh Kumar Ambavta, Asstt. AG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.279 dated 17.6.2021, under Sections 148, 149, 323, 341, 307, 506 IPC, registered at Police Station City Gohana, Sonipat.

The FIR was at the instance of Sahil. As per the allegations on 17.6.2021, while the complainant alongwith his family were returning back home, an altercation took place with Tinku, Ashok and Rahul @ Shera (petitioner). The glasses of the vehicle of the complainant were damaged. Tinku gave a brick blow on the head of Mandeep.

Learned counsel for the petitioner submits that the petitioner is in custody since 6.7.2021 and for injury attributed to Tinku, Section 307 IPC was invoked. No specific role or injury is attributed to the petitioner. No recovery is to be made. The petitioner has been roped in as he was having friendly relationship with accused Tinku. The contention is that co-accused were granted anticipatory bail by this Court.

Learned State counsel on instructions opposes the prayer for bail and submits that apart from head injury, there are no other grievous injuries. The other injuries are mainly inflicted by fist and slaps. He argues that the petitioner was part of the unlawful assembly.

Without commenting upon the merits of the case and considering that no specific injury is attributed to the petitioner, the other co-accused were granted anticipatory bail, the petitioner has no criminal antecedents, though investigation is complete but conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

25th March, 2022

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**(AVNEESH JHINGAN)
JUDGE**

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