

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

225

**CRM-M-12641-2022 (O &M)
Date of decision: 30.03.2022**

BALRAM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sukhdeep, Advocate
for Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
for the respondent.

SANT PARKASH, J. (ORAL)

CRM-11248-2022

For the reasons mentioned in the application, the same is allowed and petitioner is exempted from filing vernacular copy of the FIR.

CRM-M-12641-2022

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. 216 dated 29.04.2021 registered under Sections 148/149/323/325/326/506 of the Indian Penal Code, 1860 at Police Station Sadar, Yamuna Nagar.

The present FIR has been registered on the statement of Satish Kumar who alleged that on 28.04.2021 at about 7.00 P.M., he was going to his home after purchasing goods from the shop. When he

reached near the house of Joginder Singh, he met Akshay, Sahil, Deepak, Krishan, who started uttering filthy words to him and started beating him. On raising noise by him, the accused persons fled away.

The allegation against the present petitioner is that he along with other accused persons was a part of unlawful assembly, in which they criminally intimidated the complainant with dire consequences of life and gave beatings.

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

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR. The petitioner was bed ridden on the day of incident and had underwent major operation of knee replacement. The complainant has been alleged to suffer fracture of left arm and offences under Section 325/326 have been added. There is no evidence to connect the present petitioner for the alleged fracture of left arm suffered by the complainant. The petitioner has not inflicted any injury to any person and only out of personal vendetta, he has been wrongly named in the present FIR by the complainant. The petitioner is in custody since 26.02.2022. Nothing is to be recovered from the petitioner. 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 submitted that the petition for grant of regular bail may be dismissed.

Having considered the facts and circumstances of the case, no specific injury/role is attributed to the petitioner, petitioner is in custody since 26.02.2022 and the fact that the trial is likely to take long time 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.

30.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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