

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

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CRM-M-13282-2022

Date of Decision : **May 09, 2022**

AMAN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

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CRM-M-14750-2022

JAGMOHAN @ KALA BATUA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Partap Singh, Advocate
for the petitioner in CRM-M-13282-2022.

Mr. Vishwajeet, Advocate
for the petitioner in CRM-M-14750-2022.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

CRM-M-13282-2022 filed by petitioner, namely, Aman and CRM-M-14750-2022 filed by petitioner, namely, Jagmohan @ Kala Batua are being taken up together for final disposal with the consent of learned counsel for the parties since the same pertaining to the same FIR.

The present petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.14 dated 13.1.2022 under Sections 148, 149, 307, 506, 120-B IPC and Sections 25-54-59 of Arms Act, registered at Police Station City, Kaithal, District Kaithal.

It has been submitted by the learned counsels for the petitioners that both the petitioners are in custody from 19.1.2022 and the investigation of the case has been completed and the challan has been presented before the competent Court. Learned counsels for the petitioners further submitted that it is a case where both the petitioners have been falsely implicated by the complainant who himself is involved in number of cases and so far as the present petitioners are concerned, they are not involved in any other case and have clean antecedents. However, against the petitioner, namely, Aman there is one FIR pertaining to under Section 323 IPC in which he has been acquitted. They further submitted that on the face of it, it was a case of false implication by a person who himself is involved in number of cases and even otherwise also it was a no injury case and it was only for the purpose of implication that the present FIR has been lodged against the petitioners. They also submitted that be that as it may, the investigation of the case has been completed and no further recovery is to be effected from the petitioners especially when it is a case of no injury and, therefore, both the petitioners may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that both the petitioners are in custody from 19.1.2022 and it was a case of no injury. He further submitted that it is also correct that both the petitioners are not involved in any other case except the petitioner, namely, Aman who was involved in one case pertaining to Section 323 IPC in which he has been acquitted. He further submitted that now the investigation has been completed and no further recovery is to be effected from the petitioners. However, he has opposed the grant of regular bail to the petitioners on the ground that the matter is serious in nature because the petitioners had fired shots from pistols.

I have heard the learned counsels for the parties.

It is a case where both the petitioners are in custody from 19.1.2022 and the investigation of the case has been completed. As per the learned counsels for the petitioners, the complainant himself is involved in number of cases and it is the reason as to why the petitioners have been falsely implicated. As per the learned counsel for the parties, the petitioners are not involved in any other case except in one case where the petitioner, namely, Aman has already been acquitted. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances of the present case, both the petitions are allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

May 09, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No