

CRM-M-15982-2022 and
CRM-M-18291-2022

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

1. CRM-M-15982-2022
Satvinder SinghPetitioner

Versus

State of HaryanaRespondent

2. CRM-M-18291-2022
Nishant RathiPetitioner

Versus

State of HaryanaRespondent

Date of decision: - 24.05.2022

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kulwant Singh Dhanora, Advocate
for the petitioner in CRM-M-15982-2022.

Mr. Pranshul Dhull, Advocate
for the petitioner in CRM-M-18291-2022.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This order will dispose of two petitions. The first

petition has been filed by Satvinder Singh i.e. CRM-M-15982-2022 and the second petition has been filed by Nishant Rathi i.e. CRM-M-18291-2022.

Both the said petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in FIR No.840 dated 20.12.2021, under Sections 307, 323, 406 and 34 IPC (initially FIR was registered under Sections 308, 34, 406 IPC and later on Section 307 IPC has been added and Section 308 IPC has been deleted), registered at Police Station Shahabad, District Kurukshetra.

Learned counsel for both the petitioners has submitted that petitioner Satvinder Singh is in custody since 21.12.2021 and petitioner Nishant Rathi is in custody since 20.12.2021 and the challan has already been presented and there are total 12 prosecution witnesses, none of whom have been examined and both the petitioners are stated to be not involved in any other case. It is further submitted that two of the officials working at the petrol pump are stated to have suffered one injury each and the said injuries are simple in nature. It is also submitted that the offence under Section 307 IPC has been wrongly added, inasmuch as, there is no opinion of the doctor declaring any injury to be dangerous to life.

Learned State counsel, on the other hand, has opposed the present petitions for regular bail and has submitted that both the petitioners, along with co-accused, had got the fuel filled up in the car from the fuel station and thereafter, instead of paying the amount of Rs.3281.96/- for the fuel, had tried to run away and in doing the same,

had even caused injuries to the said two persons and it is on account of the intent of the petitioners and other co-accused that Section 307 IPC has been added.

This Court has heard learned counsel for the parties and gone through the paper-book.

Petitioner Satvinder Singh Singh is stated to be in custody since 21.12.2021 and petitioner Nishant Rathi is stated to be in custody since 20.12.2021 and the challan has already presented and there are total 12 prosecution witnesses, none of whom have been examined and both the petitioners are stated to be not involved in any other case. The alleged injured have suffered one injury each and both the said injuries are simple in nature. There is no opinion of the doctor declaring the said injuries to be dangerous to life and in the said circumstance, the question as to whether the provisions of Section 307 IPC would be attracted or not in the present case, would be a matter of debate, which would be finally adjudicated during the course of the trial.

Keeping in view the above-said facts and circumstances, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present cases

which are only for the purpose of adjudicating the present bail petitions.

It is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

May 24, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No