

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16457 2022(O&M)

Date of Decision: 28.09.2022

Vikas Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. P.S. Poonia, Advocate
For the petitioner.

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 10 dated 07.01.2022, registered under Sections 323, 324, 326, 307, 120-B, 506 and 201 IPC and Section 25 of Arms Act at Police Station Ambala City.

The counsel for the petitioner submits that the only allegations against the petitioner are that co-accused Sagar and his accomplices attacked complainant Davinder Singh @ Tony, at the instance of the present petitioner. The counsel for the petitioner further submits that admittedly the petitioner was not present at the spot when the alleged occurrence had taken place. The counsel for the petitioner further submits that during investigation the police failed to establish that complainant Davinder Singh @ Tony was having any previous enmity with the petitioner or that the complainant ever lodged any complaint against the petitioner prior to the present occurrence.

The counsel for the petitioner further submits that even while appearing in the witness box the complainant failed to substantiate the aforesaid allegations against the petitioner who is in custody for the last more than 7 months and is having no criminal history. The counsel for the petitioner further submits that no incriminating article was recovered from the possession of the petitioner during the investigation of this case. That it will take time for the trial to conclude and as such prayer is made for grant of regular bail to the petitioner.

The present petition is contested by the State counsel who submits that the other accused persons caused injuries to complainant Davinder Singh @ Tony only at the instance of the petitioner. However, the State counsel on instructions from ASI Sultan Singh has not disputed the fact that during trial the statement of complainant Davinder Singh @ Tony has been recorded and that the petitioner is behind the bars for the last more than 7 months and is having no criminal history and that petitioner was not present at the spot when the alleged occurrence had taken place.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not present at the spot when the occurrence had taken place. The only allegations against him are that Sagar and his accomplices attacked complainant Davinder Singh @ Tony at his behest. It is a matter of evidence as to whether the aforesaid attack was carried out by Sagar and his accomplices at his instance. The complainant has already been examined during the trial. So, there is no apprehension that

if the petitioner is released on bail he is going to influence the complainant.

Further, the petitioner is in custody for the last more than 7 months and is having no criminal antecedents and it will take considerable time for the trial to conclude. So, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without expressing any opinion on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during the trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

28.09.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**