

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

CRM-M-16734-2022
Date of Decision:-**31.08.2022**

SUNNY KHOKAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sanjeev Kumar Yadav, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.10 dated 7.1.2022 registered under Sections 323, 324, 307, 120-B, 506 IPC and Section 25 of Arms Act at Police Station Ambala City, District Ambala.

The counsel for the petitioner submits that the petitioner was not named in the FIR and was later on nominated as an accused and is in custody since 14.1.2022. The counsel for the petitioner further submits that the only allegations against the petitioner are that he used his own car Baleno to take away the main accused who attacked complainant Davinder Singh @ Toni, after the occurrence. The counsel for the petitioner further

submits that the petitioner did not cause any injury to the complainant, who has already deposed before the trial Court and the copy of his deposition dated 18.8.2022 is taken on record. The counsel for the petitioner further submits that it will take time for the trial to conclude and as such no purpose would be served by detaining the petitioner in custody for any longer period.

The instant petition is resisted by the State counsel, who submits that as the trial is at its initial stage, no ground is made out to grant bail to the petitioner. However, the State counsel has not refuted the fact that the petitioner is not named in the FIR and that only allegations against him are that he used his Baleno car to take away the main accused, after the occurrence. The State counsel has also not refuted the fact that the complainant has already testified before the trial Court.

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

The petitioner who was not named in the FIR and was later on nominated as an accused as he used Baleno car HR-01-AV-6627 to take away the main accused after the occurrence, is in custody 14.1.2022. The aforesaid car was recovered by the police during the investigation and after completion of investigation police has presented the challan and during trial, the complainant has been examined and copy of his deposition is available on the record. From the perusal of the aforesaid testimony of the complainant, it apparently appears that the petitioner was not present at the spot when the main accused caused injuries to complainant -Davinder Singh @ Toni. As the complainant has been examined, there is no apprehension that the petitioner if released on bail is going to influence the complainant.

It will take time for the trial to conclude. So no purpose is going to be served by prolonging any further incarceration of the petitioner.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

31.08.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No