

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17838-2022 (O&M)
Date of Decision:-9.9.2022

Amarjeet and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lalit Kumar Narang, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.788, dated 5.11.2021, Police Station Rohtak City, District Rohtak, under Sections 148, 149, 323, 324, 506 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.
2. The FIR was lodged at the instance of Mohit, who has alleged that on 4.11.2021 when he had gone to the house of his uncle at about 9:00 p.m. on the eve of Diwali Festival, Tulsi, Pardeep and Rajender, all sons of Ram Kumar, Parveen and Amarjit Singh neighbours of his uncle were hurling abuses in the street under influence of liquor. When complainant's uncle Hari Om objected to the same, they started quarreling with his uncle. Upon

hearing noise, the complainant and his cousins Naresh and Sonu came in the street. It is alleged that Parveen and Amarjit Singh had caught hold of the complainant while Tulsi gave a blow with 'ustraa' (a long knife used for shaving) on the complainant's neck and on his head. When Naresh and Sonu tried to rescue him, Tulsi gave a blow with knife on the head of Sonu as well. It is further alleged that Ramu and his sons Hari Om and Ghanshyam threw bricks and stones from roof and thereafter the accused fled away from the spot while issuing threats to eliminate them.

3. Learned counsel for the petitioners has submitted that admittedly both the petitioners were empty handed and that the role attributed to them is that they had caught hold of the injured/complainant while Tulsi inflicted a blow to the injured/complainant with the help of a 'ustraa' (a long knife). It has further been submitted that the petitioners have been behind bars since the last more than 6 months and that challan already stands presented and that they are not involved in any other case.
4. Opposing the petition, learned State counsel has submitted that since both the petitioners are specifically named in the FIR and that by catching hold of the injured/complainant they had facilitated the commission of crime as it was pursuant to catching hold of the injured/complainant by the petitioners that Tulsi was successful in inflicting injury on the neck of the injured/complainant, the complicity of the petitioners is clearly evident. Learned State counsel has, however, not disputed that the petitioners have been behind bars since the last more than 6 months and that they are not involved in any other case. It has been informed that charges are yet to be framed and as many as 22 PWs have been cited.

5. This Court has considered the rival submissions.
6. Though the petitioners admittedly were empty handed and are not attributed any injury but their role in catching hold of the injured/complainant cannot be undermined. In any case, this Court finds that the petitioners have been behind bars for a substantial period of more than 6 months. The petitioners otherwise have a clean record and are not involved in any other case. Conclusion of trial is likely to consume time inasmuch the trial has not even commenced till date and as many as 22 PWs have been cited. In these circumstances, further detention of the petitioners will not serve any useful purpose. The instant petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No