

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-17430-2022
Decided on : 24.05.2022

Salim

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. V. B. Godara, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 381 dated 16.10.2021 under Sections 147, 148, 323, 341, 387, 427 and 506 of the Indian Penal Code, 1860 registered at Police Station Adampur, District Hisar.

Learned counsel for the petitioner has submitted that the petitioner has been implicated on account of being the brother of Vikas @ Shooter and he is not involved in any other criminal case. It is further submitted that no recovery has been effected from the petitioner and he has been in custody since 12.01.2022 and the challan in the present case has been presented and there are as many as 12 witnesses, none of whom have been examined and thus, the trial is likely to take time. It is contended that no specific overt act has been attributed to the present petitioner and he has not been granted regular bail primarily on account of

the fact that his brother Vikas @ Shooter has not been arrested. It is further contended that the other co-accused namely, Mohit, Vikram @ Vicky and Pardeep @ Gandhi have already been granted the concession of regular bail by the Additional Sessions Judge, Hisar.

Learned State counsel, on the other hand, has opposed the present application for regular ball and has submitted that the petitioner along with his brother and the other co-accused persons, as per the allegations in the FIR, had started demanding weekly payment (hafta) and had stopped the complainant to beat him up with the help of the other co-accused. It is argued that abovesaid three persons, who have been granted bail, were not specifically named in the FIR.

Learned counsel for the petitioner, in rebuttal, has submitted that there is no MLR in the present case.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner has been in custody since 12.01.2022 and there are as many as 12 witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner is not stated to be involved in any other case. No recovery has been effected from the petitioner and the argument of learned counsel for the petitioner to the effect that the petitioner has been implicated in the case on account of being the brother of Vikas @ Shooter will be considered finally during the course of trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on

bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him 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 case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State as well as to the complainant to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

24.05.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No