

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18402-2022
Date of decision : 25.08.2022

Aman Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.586 dated 23.11.2021 registered under Sections 147, 149, 323, 379-B, 427, 506 IPC (Sections 384, 387 read with Section 34 IPC added later on) at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 21.12.2021 and there are 13 witnesses and out of which, only one witness has been examined and thus, the trial is likely to take time. It is further submitted that as per the FIR, the petitioner has not been attributed any specific injury and it has been stated that the petitioner along with other persons had picked up bricks and had started throwing the same towards the complainant which hit the complainant on his left hand. It is further stated that the injury caused to the complainant is

simple in nature. It is submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.50,000/- to the complainant.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioner is involved in two other cases.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is on bail in the said two cases and has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

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

The petitioner has been in custody since 21.12.2021 and there are 13 witnesses and out of which, only one witness has been examined and thus, the trial is likely to take time. As per the FIR, the role attributed to the petitioner is that he along with other persons had picked up bricks and started throwing them towards the complainant which hit on the left hand of

nature.

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 and also subject to the petitioner depositing an amount of Rs.50,000/- before the trial Court within a period of three weeks from today and the trial Court is directed to release the said amount to the complainant Kewal Krishan.

It is made clear that in case the petitioner does not deposit the above said amount within the aforesaid period and any act is done by the petitioner 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 petitioner.

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 petition.

(VIKAS BAHL)
JUDGE

August 25, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No