

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

246

CRM-M-20232-2022 (O&M)

Date of Decision: 11.10.2022

HARSH ALIAS SANDEEP

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

Mr. Vijay Sangwan, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.410 dated 09.10.2021, registered under Sections 148, 149, 302, 341 IPC and Section 120-B IPC (added later on), at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was neither named in the FIR nor in the statement recorded under Section 161 Cr.P.C.; that no injury on the person of the injured has been attributed to the petitioner; that the petitioner has been indicted in the present case, on the basis of the disclosure statement of co-accused, namely, Ravi @ Langra; that the allegation against the petitioner is that he had videographed the entire incident and circulated the same on Internet and

that the petitioner has been in custody since 22.10.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant does not dispute the custody period of the petitioner. They, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he had made the video of the incident and in order to create terror in the locality, he had circulated the same on Internet. He further submits that there were as many as 25 injuries on the person of the injured/deceased and that the respective bail petitions preferred by co-accused, namely, Ajay and Satender @ Satte, were dismissed by this Court. Still further, it is submitted that the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.10.2021. The petitioner was neither named in the FIR nor in the statement recorded under Section 161 Cr.P.C. No injury has been attributed to the petitioner and the only allegation against the petitioner is that he had videographed the entire incident and circulated the same on the Internet. As far as the role of co-accused, namely, Ajay and Satender @ Satte, is concerned, the same being different from that of the petitioner's, cannot be compared, at this stage. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on

the merits of the case, lest it should prejudice the case of either side, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11.10.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No