

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20684-2022

DATE OF DECISION: MAY 23, 2022

AMIT

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. L.K. GOLLEN, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.58 dated 27.1.2022, under Section 324, 506, 34 IPC (Section 307, 148, 149 IPC added later on), Police Station I.M.T. Rohtak, District Rohtak, who is in custody since his arrest on 13.3.2022.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Rohtak in the order dated 26.4.2022, are as under:-

“Briefly the prosecution case is that this case was registered on the complaint of Jagdish, who has stated that he is having two sons namely Sachin and Savin. On 26.01.2022 Rajesh (petitioner) took his son Sachin with him at about 5.00 p.m. Thereafter at about 11.30 p.m. Sachin called his son Savin on telephone and informed him that Rajesh (petitioner), Mana and Amit have beaten him and inflicted injuries. He is lying in injured condition in the area of IMT at Bohar road. On this information, his son Savin went there and took Sachin to PGIMS for treatment. He also went to PGIMS. His son

Sachin told him that Rajesh, Mana and Amit have beaten him and caused injuries to him with bodkin(Suwa). They also threatened to kill him.”

Learned counsel for the petitioner has argued that as per the allegations by Jagdish complainant, his son, namely, Sachin had left his house alongwith Rajesh and had joined other friends and later on, he came to know that his son suffered injuries. Learned counsel for the petitioner has drawn the attention of the Court to the statement of injured Sachin to contend that as per him, the petitioner or his co-accused Rajesh were not involved in the alleged act of causing injury inviting Section 307 IPC, as some other unknown person who had also joined them had inflicted the said injury. He submits that the investigation of the case is complete, therefore, he be released on bail.

On the other hand, learned State counsel assisted by SI Rattan Singh while opposing the aforesaid prayer has stated that the petitioner was part of the unlawful assembly and participated in the crime. But he is unable to refute the stand of learned counsel for the petitioner based upon the statement of injured Sachin. He states that the final report stands filed on 12.5.2022, but charges are yet to be framed.

Considering the above background, the custody of the petitioner, and the fact that challan stands filed, but the charges are yet to be framed, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 23, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No