

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

**CRM-M-20392 of 2022
Date of Decision:- 17.05.2022**

Prashant

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Tanmoy Gupta, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer is for grant for regular bail to the petitioner in case having FIR No.65 dated 10.03.2022 registered under Sections 323, 506, 427, 120-B, 34 of IPC, 1860 (Section 452 of IPC deleted and Section 458 of IPC added later on), Police Station City Gurugram, District Gurugram.

As per the allegations in the FIR, on 10.03.2022 at about 3.30/4.00 am Ashish, Deepak and two other boys broke open the main gate of the house of complainant-Neeraj and they started pelting bricks, as a result of which complainant, his mother Sonia and his

wife Poonam suffered injuries. Ashish attacked Poonam with helmet and he also extorted Deepak to bring 'Katta' and also threatened to kill complainant and other family members of his family. On receiving the information, the PCR arrived at spot on which the aforesaid miscreants fled away from the spot.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and was not named in the FIR. It is further contended that petitioner was arrested solely on the basis of disclosure made by co-accused Aditya @ Golu who was also not named in the FIR. He further submitted that neither the petitioner was present at the time of occurrence nor any incriminating article was recovered from his possession, who is already in custody since 7.4.2022 and is having no criminal history.

The bail application is contested by the State counsel, who submitted that the petitioner was accompanying Ashish and Deepak at the time of aforesaid occurrence and as such prays for dismissal of the bail application.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

Admittedly the petitioner was not named in the FIR. As per State counsel the petitioner was nominated as an accused on the basis of disclosure made by co-accused Aditya @ Golu, who was also not named in the FIR. No incriminating article was recovered from the possession of petitioner who was arrested by the police on

7.4.2022 and is presently lodged in judicial custody. As per allegations appearing on record, the complainant, his mother and wife sustained simple injuries only at the time of alleged occurrence.

Having regard to the facts and circumstances of the case and that the petitioner has been nominated as accused solely on the basis of disclosure statement made by above co-accused Aditya and without adverting to the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

17.05.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No