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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22067-2022

Decided on: 24.11.2022

Vishal @ Bunty

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwar Abhay Singh, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.441 dated 25.11.2021, under Sections 307, 323, 324, 506 & 34 IPC, registered at Police Station City Nissing, District Karnal.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 25.11.2021, which is for 1 year. He further submitted that the investigation of the case has already been completed and thereafter, challan has been presented before the competent Court and even the charges have also been framed. He further submitted that the petitioner is not a habitual offender and is not involved in any other case. He also submitted that although a specific role has been attributed to the petitioner in the FIR but it is a case where the petitioner has been falsely implicated and even otherwise also the injured was immediately discharged from the hospital

and he is hale and hearty. He further submitted that no recovery is to be effected from the petitioner and the investigation of the case has already been completed and the trial of the case may take long time, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Surinder Kumar Dagar, learned DAG, Haryana, on instructions from ASI Satish Kumar, has submitted that it is correct that the petitioner is in custody since 25.11.2021 and the investigation of the case has been completed and now the charges have been framed. He further submitted that it is also correct that the petitioner is not a habitual offender and he is not involved in any other case and the injured is not admitted in any hospital. He has however opposed the grant of regular bail to the petitioner on the ground that the injured was minor and there is a specific role attributed to the present petitioner and there was a recovery of *Kassi* from the petitioner.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody from 1 year and he is not a habitual offender and is not involved in any other case. The investigation of the case has already been completed by the police and now the charges have also been framed by the trial Court. Although, as per the learned State counsel a *Kassi* was recovered from the petitioner and as per the FIR, a specific role has been attributed to him but that itself cannot become a ground for denial of bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence.

In view of the aforesaid facts and circumstances of the case and

particularly the fact that the petitioner has faced incarceration for 1 year and he is not a habitual offender, therefore, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

24.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |