

**214-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23091of 2022(O&M)

Date of Decision: 28.09.2022

Sahil @ Baman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Dhruv Gupta, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 10 dated 07.01.2022, registered under Sections 120-B, 307, 323, 324 and 506 IPC at Police Station Ambala City, to which Sections 326 and 201 IPC and 25 of Arms Act were added lateron.

The counsel for the petitioner submits that the petitioner was not named in the FIR and the only allegations against the petitioner are that he along with Sagar and some other persons attacked complainant Davinder Singh @ Tony, at the behest of the Vikas Sharma. The counsel for the petitioner further submits that as per the allegations appearing on record at the time of occurrence the petitioner who was empty handed also gave beatings to the complainant. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 7 months and that it

will take considerable time for the trial to conclude and as such prayer is made for grant of regular bail to the petitioner.

The present petition is contested by the State counsel who on instructions from ASI Sultan Singh submits that the petitioner along with main accused Sagar attacked the complainant and caused injuries to him and at that time the petitioner was empty handed. The State counsel has not disputed the fact that the complainant has been examined and that the petitioner is in custody for the last more than 07 months. The State counsel further submits that petitioner is also involved in some other criminal cases.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not named in the FIR and his name has surfaced on the basis of disclosure made by co-accused Sagar. As per the allegations appearing on record the petitioner was accompanying Sagar and he also gave beatings to the complainant but was empty handed. Admittedly, the complainant has already been examined. So, there is no apprehension that if the petitioner is released on bail he is going to influence the complainant. Further, the petitioner is in custody for the last more than 7 months and it will take considerable time for the trial to conclude. So, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period. From the perusal of custody certificate it appears that the petitioner is involved in some other cases of assault covered under Sections 323 and 325 IPC. This Court is of the view that the prayer of the petitioner for grant of bail cannot be declined simply on the ground that he is facing some other criminal cases of the nature as has been stated above.

In the light of the above, no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without expressing any opinion on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during the trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

28.09.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No