

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision : 01.06.2022

1.

CRM-M-23335-2022

Ashish @ Pushi

... Petitioner

Versus

State of Haryana

... Respondent

2.

CRM-M-23388-2022

Sunil @ Tanni

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Anshul Khurana, Advocate
for the petitioner in CRM-M-23335-2022.

Mr.Anshumaan Dalal, Advocate
for the petitioner in CRM-M-23388-2022.

Mr.Munish Sharma, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This order will dispose of two criminal miscellaneous petitions
filed under Section 439 Cr.P.C. for grant of regular bail in FIR no.546 dated
16.12.2021 registered under Sections 323, 341,307, 506, 379-B, 511, 34
IPC and Sections 25, 27, 54, and 59 of Arms Act at Police Station Sadar

The first petition, i.e. CRM-M-23335-2022 has been filed by petitioner Ashish @ Pushi and the second petition, i.e. CRM-M-23388-2022 has been filed by petitioner Sunil @ Tanni.

Learned counsel for both the petitioners have submitted that the petitioner Ashish @ Pushi has been in custody since 15.05.2022 and Sunil @ Tanni has been in custody since 25.01.2022 and challan qua both the petitioners has been filed and there are 23 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. It is further submitted that in the present case, all the alleged injuries are simple in nature and there is no injury which is dangerous to life and thus, offence under Section 307 IPC is prima facie not made out. It is further submitted that as far as Ashish @ Pushi (petitioner in CRM-M-23335-2022) is concerned, he was neither armed with any weapon nor alleged to have inflicted any injuries and as far as Sunil @ Tanni is concerned, it had been alleged that he had given a stick blow to Sombir and the said alleged injury suffered by Sombir has been declared simple in nature. It is also stated that no stick has been recovered either from Sunil @ Tanni or from Ashish @ Pushi.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the car used in the commission of offence belongs to the uncle of Ashish @ Pushi and has further submitted that the petitioners along with other co-accused had inflicted injuries upon three persons. It is further submitted that co-accused Sahil had even fired a gun shot which although, did not cause any injury but the intention to kill would constitute the offence under Section 307 IPC.

This Court has heard learned counsel for the parties and has

perused the paper book.

The petitioner Ashish @ Pushi is stated to be in custody since 15.05.2022 and Sunil @ Tanni is stated to be in custody since 25.01.2022 and challan against both the petitioners has been filed and there are 23 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. Petitioner Ashish @ Pushi was neither alleged to be armed with any weapon nor alleged to have inflicted any injury. The petitioner Sunil @ Tanni is alleged to inflicted an injury with stick (Bitta) to Sombir but all the said injuries have been declared to be simple in nature. Neither recovery of any wooden stick has been effected from the petitioner Sunil @ Tanni nor anything has been recovered from Ashish @ Pushi. The person, who had allegedly fired the gun shot, is co-accused Sahil, who is stated to be in custody.

Keeping in view the above said facts and circumstances, both the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

June 01, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No