

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

CRM-M-26252 of 2022

Date of Decision: 4th July, 2022

Robin

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parminder Singh, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

Prayer in this petition is for grant of regular bail in FIR No. 116 dated 24.4.2021, under Sections 148, 149, 323, 324, 342, 379B and 506 IPC, registered at Police Station Ram Nagar, District Karnal.

Learned counsel for the petitioner claims parity with co-accused Kamal alias Landa who was granted bail by this court on 19.4.2022 by passing the following order:

“This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 0116, dated 24th April, 2021, under Sections 148, 149, 323, 324, 342, 379B, 506 IPC, registered at Police Station Ram Nagar, District Karnal.

On 23rd April, 2021, on receiving an information from General Hospital, Karnal, after recording the statement of Surjit Singh injured the police registered an FIR. As per the allegations, on 22nd April, 2021 an altercation took place between the complainant and Robil. Due to grudge of previous incident on 23rd April, 2021, complainant was attacked by the accused who were armed with Dandas, Gandasi and Sword. Complainant entered the house of Sonu, all the accused followed him, Robin raised lalkara, Rahul Chatri gave a knife blow on the upper portion of the leg, Kamal @ Landa

(petitioner) gave a Gandasi blow on his head. It is alleged that Bharat Sukhija, Yogesh @ Daddu and Rahul Puri armed with Gandasi, sword attacked the complainant.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.06.2021, investigation is complete, Gandasi was recovered and Gandasi blow on head is attributed to two accused whereas according to MLR, there is one head injury. He claims parity with co-accused who were granted bail.

Learned State counsel opposes the prayer for grant of regular bail. She submits that petitioner was specifically named in the FIR and he actively participated in the incident.

The recovery from the petitioner is of a Gandasi, injury attributed by the petitioner is a debatable issue, investigation is complete, co-accused were granted bail by this Court and conclusion of the trial is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.”

Learned counsel for the petitioner further submits that the matter has been compromised and a petition for quashing of the FIR on the basis of compromise has been filed . The contention is that the petitioner is in custody since 30.4.2021.

Learned counsel for the State, on instructions though opposes the bail but is not in a position to distinguish the case of the petitioner vis-a-vis co-accused so far as grant of bail is concerned.

Without commenting on the merits of the case, the petitioner is granted bail on the basis of parity of the co-accused subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]

JUDGE

4th July, 2022

mk

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No