

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

210

CRM-M-26628-2022

Date of Decision: 21.06.2022

KADIR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.66, dated 01.05.2022 under Sections 147, 149, 323, 34, 379B and 427 of the Indian Penal Code, 1860, registered at Police Station GRP Faridabad, District GRP Ambala Cantt.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that as per the case of prosecution, the FIR in question has been registered by one Yatish son of Netram on the allegations that on 30.04.2022 he alongwith his friend had gone to the railway station to drop their friend and at about 10.45 p.m. while they were on return, 8-10 persons stopped their vehicle at the parking gate and demanded parking fee, which resulted in an altercation. The said persons started abusing the complainant and thereafter gave beatings to both of them. In addition, they also damaged the vehicle belonging to the complainant. Head injury was sustained by the

friend of complainant namely Anshul Sharma and the gold chain worn by the complainant was also snatched by the assailants. He has, thereafter, narrated that the assailants were identified as Farid- Auto Driver and Kadir (the petitioner herein) and is stated to be running a canteen at Railway Station. Learned counsel for the petitioner contends that it is a case of version and cross-version and the incident has not taken place in the manner as has been alleged. As a matter of facts, the petitioner alongwith his friend Nayeem had gone for a walk near the Railway Station when he saw certain persons quarreling in a vehicle. Upon seeing them, the petitioner went to the place of dispute to resolve the issue at that time. The persons present over there caused beatings to Nayeem and also caused danda blow on the hand of the petitioner resulting in fracture, whereupon case FIR No.71 dated 08.05.2022 was registered under Sections 323, 325, 506 and 34 of the IPC against the complainant. He further contends that the petitioner does not run any canteen at Railway Station and that the said fact is incorrect. He further contends that cross-version has been registered and that no satisfactory explanation has been given by the complainant with respect to the injuries caused to the petitioner in the said incident.

On the other hand, learned State counsel has controverted the arguments by saying that the involvement of the petitioner is apparent from the fact that recovery of gold chain has been effected from the petitioner. He, however, could not controvert the fact that the petitioner is in custody since 08.05.2022 and that he is not further required for custodial interrogation for the purpose of completion of investigation. It is also not disputed that the petitioner does not have any criminal antecedents and is

not involved in any other case.

Taking into consideration the facts noticed above and the period of custody already undergone by the petitioner as well as the fact that the petitioner has clean antecedents and is not involved in any other case, I deem it appropriate to allow the instant petitioner.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

21.06.2022
rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No