

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

CRM-M-26794-2022

Date of Decision:-06.07.2022

Vikram.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikas Bishnoi, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.06 dated 06.01.2021 under Sections 323, 324, 326, 379-B, 452, 34 IPC (Section 307 IPC added later on) and Section 25 of the Arms Act registered at Police Station Sadar Fatehabad, District Fatehabad.

2. The brief facts of the case are that the statement of Mange Ram was recorded to the effect that he along with Krishan son of Hanuman were present at the liquor shop, when Krishan son of Om Parkash (since granted bail) and Vicky son of Indraj (exonerated during investigation) and one unknown person came to the liquor shop and demanded a bottle of liquor.

When they asked for money a quarrel began and the three accused entered into the liquor shop. Krishan Kumar gave a knife blow in the abdomen of

the complainant and on his hands and legs whereas Vicky and the unnamed boy gave a blow on the head of Krishan son of Hanuman. Krishan son of Om Parkash snatched Rs.18,000/- from the cash box. On a noise being raised by them the accused ran away from the spot along with their weapons and money.

3. The Counsel for the petitioner submits that one Meeta @ Amit Nain has been attributed the injury attracting Section 307 IPC on the head of Krishan son of Hanuman. He contends that the petitioner has not been named in the FIR but has been named on the disclosure statement of his co-accused Krishan and the said Krishan Kumar has been granted the concession of regular bail by this Court vide order dated 27.05.2022 (Annexure P-2). He also contends that the petitioner is in custody since 14.01.2021 and the trial has not made any progress and, therefore, he is entitled to the grant of regular bail.

4. The Counsel for the State on the other hand contends that the petitioner along with his co-accused have committed the offence in question. Though, undoubtedly, the injury attracting Section 307 IPC on the person of Krishan son of Hanuman has not been attributed to the petitioner but to his co-accused. He also submits that Rs.4300/- have been recovered along with a knife allegedly used in the occurrence from the petitioner. He however does not deny the fact that the co-accused of the petitioner, namely, Krishan Kumar has been granted the concession of regular bail. He further contends that the nature of the offence and the manner in which it was committed does not entitle the petitioner to the grant of bail.

5. I have heard counsel for both the sides at length.

6. Admittedly, the petitioner has not been attributed the injury attracting Section 307 IPC and he is not named in the FIR. He is in custody since 14.01.2021 and the trial has not made much progress. He is of the age of 19 years with no prior record.
7. Keeping in view the aforementioned facts, the further incarceration of the petitioner is not required. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner- **Vikram** son of Sh. Ram Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 06, 2022
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No