

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

Sr. No.213

CRM-M-27922-2022

Date of decision: 01.09.2022

Chand

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amandeep Hooda, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.64 dated 06.04.2022 registered under Sections 148, 149, 323, 325, 354, 354-B, 452, 506, 34 IPC and Section 25 of Arms Act, 1959 at Police Station Bahu Akbarpur, Rohtak.

Briefly stated the case of the prosecution is that the petitioner, alongwith his three sons trespassed into the house of the complainant and then attacked him and his wife as also tore the clothes of the complainant's wife.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on account of enmity between the petitioner and the complainant; the petitioner is in custody since 10.05.2022; the allegations against the petitioner and his co-accused are absolutely vague with no specific injury attributed to the petitioner; the story of the prosecution is false as it is the case of the complainant that all the assailants who attacked him and his wife were having muffled faces and the complainant does not disclosed how he identified the petitioner and his sons; co-accused Amit, who is similarly placed as the petitioner has been granted regular bail by the Trial Court; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused attacked the complainant and his wife and that in addition to causing injuries, the petitioner also molested the complainant's wife.

Since it is the case of the prosecution that the alleged assailants of the complainant and his wife were having muffled faces it will be debated during the course of the petitioner's trial as to on what basis he and his sons were specifically identified. Nonetheless, the petitioner is in custody since 10.05.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; co-accused Amit, who is similarly placed as the petitioner has been granted regular bail by the Trial Court and that no specific injury is also attributed to the petitioner.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 01, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No