

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(219)

CRM-M-27858-2022

Date of decision: - 18.08.2022

Vishal @ Vishu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Veena Hooda, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.546 dated 16.12.2021, under Sections 323, 341, 307, 379-B, 506, 511 and 34 IPC and Sections 27/54/59 of the Arms Act, registered at Police Station Sadar, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 25.01.2022 and the challan has been presented and there are total 23 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is also submitted that although, in the present case there are three injured persons, but all the injuries suffered by them are simple in nature. It is

stated that the petitioner has been attributed one injury with the butt of the pistol to the complainant, which is also simple in nature. It is further stated that co-accused of the petitioner, namely, Ashish @ Pushi and Sunil @ Tanni, have already been granted the concession of regular bail by this Court, vide order dated 01.06.2022, passed in CRM-M-23335-2022 and 23388-2022, respectively.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that the present petitioner had subsequently come to the spot on the motorcycle along with two persons on the same and the said motorcycle has been recovered from him. It is further submitted that it is the petitioner, who inflicted injury with the butt of the pistol on the right side of forehead of the complainant. The other factual aspects however, have not been disputed by learned State counsel.

Learned counsel for the petitioner, in rebuttal, has submitted that even the pistol has not been recovered from the petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 25.01.2022 and the challan has been presented and there are total 23 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. All the injuries, which have been caused to the three injured persons, are stated to be simple in nature. The petitioner is stated to have caused injury to the complainant with the butt of the pistol, which is also declared to be

simple in nature. Moreover, co-accused of the petitioner, namely, Ashish @ Pushi and Sunil @ Tanni, have already been granted the concession of regular bail by this Court, vide order dated 01.06.2022, passed in CRM-M-23335-2022 and 23388-2022, respectively.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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.

August 18, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No