

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-29085-2022
Date of Decision :21.07.2022

Sombir @ Kadu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. DPS Bajwa, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.329 dated 28.12.2019 registered under Sections 147, 149, 307, 323, 325, 341 & 506 of the IPC at Police Station Uchana, District Jind.

Learned counsel for the petitioner argues that in the present case, the weapon attributed to the petitioner is *danda* and the injury attributed is on the head of the complainant. Learned counsel for the petitioner further argues that as per the MLR, there were two injuries on the head of the complainant, one was attributed to the co-accused namely, Angrez Singh, which has been declared life threatening so as to invite Section 307 of the IPC. Learned counsel for the petitioner submits that one of the co-accused namely, Vipin has already been granted concession of

anticipatory bail by a Coordinate Bench of this Court in CRM No. M-10283

of 2020 dated 10.08.2021 and another co-accused namely, Sandeep @ Chottu has also been granted concession of regular bail by this Court while passing order in CRM-M-19652-2020 on 07.08.2020. Learned counsel for the petitioner further submits that the petitioner was not named in the FIR but has been roped in only on the basis of disclosure statement of the co-accused, which statement is yet to be proved. Learned counsel for the petitioner argues that the petitioner is behind the bars since 07.02.2020 and even after expiry of approximately two and a half years, no charges have been framed and as the trial is likely to take some time before it concludes, keeping in view the facts and circumstances of the present case, the petitioner may kindly be granted concession of regular bail.

Learned State counsel concedes the factum that the petitioner is behind the bars since February, 2020 onwards and the charges are yet to be framed. Learned State counsel submits that there were two injuries on the head of the complainant, one has been attributed to the petitioner and the other has been attributed to the co-accused Angrez Singh and nothing has come on record as to which of the two accused had given life threatening blow upon the head of the victim.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the petitioner was not named in the FIR but has been roped in on the basis of the disclosure statement of the co-accused and even in the disclosure statement only a *danda* and one injury on the head of the complainant, has been attributed upon the petitioner. Nothing has come on record that life threatening injury has been attributed to the

petitioner.

Further, the petitioner is behind the bars since February, 2020 and charges have not been framed so far and there are total 17 witnesses, who are to be examined during the course of trial hence, trial is likely to take some time before it concludes. Keeping in view the fact and circumstances of the present case noticed here-in-before, the petitioner has made out a case for the grant of benefit of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 21, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No