

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-31817-2022

Date of decision: - 09.11.2022

Raghav @ Rajendra

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Pradeep Chhoker, Advocate,
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.42 dated 14.01.2022, registered under Sections 324 & 34 IPC (Sections 323, 342 and 307 IPC have been added later on), at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 17.01.2022 and the investigation is complete and the challan has been presented and there are 19 prosecution witnesses, out of whom four have been examined, thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that as per the prosecution case, the petitioner has not been attributed any injury and the only role attributed to the petitioner was that he had caught a hold of the injured Satish. It is also submitted

that even as per the FIR, it is clear that the injured as well as accused persons were smoking and drinking together and thus, the incident allegedly took place in the heat of the moment.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that three incised wound injuries have been inflicted by co-accused Ghanshyam and Rohit on the neck of the injured Satish and the present petitioner had caught hold of the said Satish as per the prosecution case and thus, the petitioner does not deserve the concession of regular bail. The other facts however, have not been disputed by learned State counsel.

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

The petitioner has been in custody since 17.01.2022 and the investigation is complete and the challan has been presented and there are 19 prosecution witnesses, out of whom four have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. Moreover, no injury has been attributed to the petitioner and the only allegation levelled against the petitioner was that he had caught hold of the injured Satish.

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.

November 09, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No