

IN THE HIGH COURT FOR THE STATES OF PUNJAB  
AND HARYANA AT CHANDIGARH

(227)

CRM-M-32278-2022

Date of decision: 01.08.2022

Rajat Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. S.S. Antal, Advocate  
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

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**VIKAS BAHL J.(Oral)**

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 119, dated 07.04.2022, under Sections 379-B, 323, 147, 149, 201 and 506 IPC registered at Police Station Mullana, District Ambala (Haryana).

Learned counsel for the petitioner has submitted that the petitioner has not named in the FIR, although, another co-accused, namely, Ashu has been specifically named in the FIR. It is submitted that 4-5 other accomplices were also alleged to be at the spot, along with the said Ashu and the allegation against the said accomplices is of having inflicted slaps and fist blows upon the complainant. It is also submitted that the allegation with respect to snatching of Rs.5,000/- from the complainant's pocket, has

been levelled against Ashu and not against the unknown persons. It is further submitted that even as per the FIR, the motive has not been stated to be the commission of theft but was to threaten the complainant so as to stop Vicky Jaiswal, who was the employer of the complainant, from pursuing the criminal case against Yuvraj (belonging to petitioner's party). It is further submitted that the alleged injuries suffered by the complainant were simple in nature and the petitioner has been in custody since 04.06.2022 and the investigation in the present case is complete and the challan has already been presented and there are total 10 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. Moreover, the petitioner is stated to be not involved in any other case and no useful purpose would be served by keeping the petitioner in further incarceration.

Learned State Counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the FIR there were 4-5 unknown persons along with co-accused Ashu and the name of the petitioner has been mentioned in the disclosure statement of co-accused Raman @ Monty and the recovery of bike, on which the accused persons had come to the spot, has been effected from the present petitioner.

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

The petitioner has been in custody since 04.06.2022 and there are 10 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The primary allegation with respect to theft and also with respect to beating the complainant have been levelled against Ashu and the primary allegation levelled against the unknown persons, one of whom is

stated to be the present petitioner, was that they had given slaps and fist blows to the complainant. The alleged injuries suffered by the complainant are simple in nature. The allegation regarding snatching of Rs.5,000/- has also been made against Ashu and not against the unknown persons, one of whom was allegedly the present petitioner.

Keeping in view the abovesaid 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.

01.08.2022  
naresh.k/Ajay Goswami

**(VIKAS BAHL)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |