

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

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**CRM-M-35869-2022
Decided on : 21.10.2022**

Sudhanshu and another

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Sharmila Sharma, Advocate
for the petitioner(s).

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioners – Sudhanshu and Arun Kumar, who have been booked for having committed the offence punishable under Sections 148, 149, 323, 308, 452, 506 of IPC (Section 308 of IPC added later on), in FIR No. 127, dated 01.06.2022, registered at Police Station Bahalgarh, District Sonipat, during the pendency of trial.

Learned counsel for the petitioners submits that investigation has been completed and challan has already been supplied against 06 of the accused person namely (i) Tarun, (ii) Sudhanshu (petitioner No.1), (iii) Arun Kumar (petitioner No.2), (iv) Ashok, (v) Ankur & (vi) Sanjay @ Billu. She further submits that out of other four co-accused three accused namely Ashok Kumar, Sanjay @ Billu and Ankur have been granted bail by the Court of Sessions at Sonipat, whereas, Tarun has been granted concession of anticipatory bail.

Learned counsel for the petitioners further submits that in the absence of any specific attribution in the FIR, case of the present petitioners would stand on parity with the co-accused, who have already been granted bail by the Court of Sessions. It is also submitted that offence under Section 308 of IPC is not made out and no injury is declared as grievous or danger to life. All the attributed injuries are opined to be simple in nature. Petitioner No.1 is inside jail since 06.07.2022 and petitioner No.2 is inside jail since 01.06.2022, and completion of trial would take surely long time.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, submits that although co-accused of the petitioners have been granted bail, but since they all collectively caused injuries to Nitesh and his sister Seema, they do not deserve any sympathy, and looking at the conduct of the accused persons, there would be apprehension of influencing the witnesses also.

However, learned State counsel does not dispute the fact that after completion of investigation, challan has already been submitted. Learned State counsel also does not dispute that none of the injuries have been declared as grievous and dangerous to life.

I have heard learned counsel for the parties and perused the relevant material on record.

Learned counsel for the petitioners have placed on record the copies of the regular bail orders of co-accused Ashok Kumar, Sanjay @ Billu and Ankur, in Court today. Same are taken on record, subject to all just exceptions. As already conceded by learned State counsel that none of the injuries is grievous and dangerous to life and trial is yet to commence, no purpose is going to be achieved by keeping the petitioners inside jail, as in

all probabilities, conclusion of trial would take a considerable time.

Consequently, after considering all the aspects, prayer made in the present petition is **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 21, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*