

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

244-A

CRM-M-36783-2022 (O&M)

Date of Decision: 05.12.2022

OMBIR

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.97 dated 14.03.2022, registered at Police Station HSIDC Barhi, Sonapat, under Sections 120-B, 148, 149, 195-A, 307, 323 and 506 IPC and Section 325 IPC (added later on).

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner was indicted in the present case on the basis of the disclosure statement of the co-accused; that the allegation against the petitioner and the co-accused is that they have obstructed complainant, namely, Narender, from deposing against them in FIR No.273 dated 22.06.2019, which was lodged with regard to the murder of the uncle of the complainant and also caused injuries to the complainant; that, now, after the lodging of the present FIR, the complainant has deposed before the Court below in FIR No.273 dated

22.06.2019; that the alleged car, which was used in the commission of offence, was driven by one Sandeep, who is the registered owner of the same and that the petitioner has no link with Sandeep. He further submits that there were four injuries on the person of the complainant, which were declared grievous in nature; that Section 325 IPC was added later on and that the petitioner has been in custody since 23.04.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with the co-accused had intentionally obstructed the complainant for deposing in FIR regarding committing of murder of his uncle and caused multiple injuries to him. He further submits that the hockey, which was used in the commission of offence, was also recovered from the petitioner. Still further, it is submitted that post framing of the charges, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.04.2022. The recovery has already been effected from the petitioner. As per the learned counsel for the petitioner, the complainant had already been examined before the Court below in FIR No.273 dated 22.06.2019, which was lodged with regard to the murder of complainant's uncle. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would

be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

05.12.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No