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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-7644-2022 in/and
CRM-M-41461-2021 (O&M)
Date of Decision:08.03.2022

Parveen @ Sachin @ Popat

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Akshay Bansal, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)
CRM-6728-2022

Application is allowed, subject to all just exceptions.

Annexures A-1 and A-2 are taken on record.

CRM-7644-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-41461-2021 (O&M)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.327 dated 20.8.2020,

under Sections 148/149/323/506/325/307/201/120-B IPC, Police Station Kalanaur, District Rohtak. The petitioner is in custody since his arrest on 09.02.2021.

The FIR was registered on 20.8.2020 on the statement of Mona son of Ishwar alleging that around 1½ years ago, his brother had a quarrel with Vikram and Sachin and the matter was compromised with the intervention of Panchayat. He further stated that on 19.8.2020, when he went to Vijay Lakshmi Kiryana, opposite Kalanaur bus stand for purchase of milk, Vikram and Sachin alongwith other four boys, one of them namely, Chhotu started giving beatings to him. Vikram was holding an iron rod in his hand and hit with the same on the back side of his head. Sachin who was holding a hand pump handle also gave blow on his head and Chhotu who was holding a spade, gave blow on his left knee. One boy gave a blow on him with a wooden stick and other boys also gave him leg and fist blows. On his raising an alarm ' Maar Diya.. Maar Diya', passerby's intervened and the accused fled away from the spot threatening him of his life. In the meantime, his brother Kapil reached there, who alongwith the help of passerby's took him to hospital. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that initially after registration of the case, the petitioner was admitted on regular bail vide order dated 08.09.2020 and subsequently, on addition of Section 307 IPC, he was again taken into custody on 09.02.2021. He submits that the said concession of bail was never misused and as the investigation of the case is complete, his further custody may not be necessary, particularly when the co-accused, namely, Vikram has already been released on regular bail vide

order dated 26.07.2021 (Annexure A-I). He prays for bail.

Learned State counsel assisted by ASI Nikesh does not dispute the above sequence of events, but opposes the prayer on the ground that the petitioner caused head injury to the injured and on the basis of medical opinion dated 12.09.2020, the offence under Section 307 IPC was added. However, it is not disputed that the petitioner remained on regular bail for a period of five months and the said concession was not misused.

After hearing the learned counsel for the parties, this Court finds that though the challan has been presented on 08.04.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner has been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

08.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No