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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38246-2022 (O&M)

Date of Decision: 31.08.2022

Vikash @ Vicky

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anushmaan Dalal, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

CRM-31926-2022

The present application has been filed for placing on record the order dated 24.08.2022 passed in CRM-M-3709-2022 as Annexure P-9.

For the reasons recorded in the application, the same is allowed. Order dated 24.08.2022 passed in CRM-M-3709-2022 is taken on record as Annexure P-9, subject to all just exceptions.

Main case

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 154 dated 19.04.2021, under Sections 302, 341, 201, 120-B, 34 IPC and Section 25, 27, 29 of Arms Act, registered at Police Station Sadar Rohtak, District Rohtak, Haryana.

The learned counsel for the petitioner has submitted that the

present is the second bail petition and in fact the earlier bail petition was withdrawn by him on 06.01.2022 vide Annexure P-8 and thereafter, there has been a change of circumstance. He further submitted that after the withdrawal of the first bail petition the charges were framed on 23.03.2022 and apart from the same, two other co-accused have been granted bail vide Annexure P-7 and P-9 on 03.08.2022 and 24.08.2022. He further submitted that the co-accused namely Sahil who has been granted bail by this Court vide Annexure P-9 is at parity with the present petitioner and in view of the aforesaid position, the petitioner may be considered for the grant of regular bail. He further submitted that in fact the entire prosecution story is based upon suspicion against the petitioner and the main role attributable would be to the other co-accused namely Meena who has been granted bail and one Rahul who is the son of the aforesaid Meena. He further submitted that so far as the present petitioner is concerned, the role attributable to the petitioner was that he was only accompanying the aforesaid Rahul and raised lalkara. He further submitted that the petitioner is in custody for 1 year and 4 months and investigation of the case has already been completed.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is correct and investigation of the case has been completed and the charges have been framed but no prosecution witness has been examined. He further submitted that it is also correct that the present petitioner is at parity with the aforesaid co-accused namely Sahil who has been granted bail by this Court vide Annexure P-9 on 24.08.2022. He has however opposed the grant of bail to the petitioner on the ground that the petitioner is involved in two more cases out of which one pertains to Section 307 IPC and other pertains to Arms Act.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration for about 1 year and 4 months and after investigation of the case the charges have been framed but no prosecution witness has been examined. The other co-accused namely Sahil who was also stated to be alongwith the main accused namely Rahul has been granted bail by this Court vide Annexure P-9. So far as the present petitioner is concerned, the role attributable to him as per the prosecution was raising a lalkara. The mere fact that the petitioner is involved in two more cases cannot become a ground for denial of bail to the petitioner especially in view of the fact that the other similarly situated co-accused has been granted bail by this Court vide Annexure P-9. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

31.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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