

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-40664-2022

Date of Decision: 12.09.2022

Dinesh @ Sonu

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Kumar Dahiya, Advocate for the petitioner

Mr. Surender Singh, AAG Haryana

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.179 dated 25.03.2022 under Sections 324/427/34/120-B/379-B IPC (Sections 326 and 201 IPC added later on) registered at Police Station Kharkhoda, District Sonapat (Annexure P1).

(2) Learned counsel for the petitioner contends that the main accused Jassu @ Jasvir Singh has already been granted the concession of anticipatory bail by this Court vide order dated 22.08.2022 in CRM-M-26718-2022 (Annexure P3). He further asserts that it was Ashu @ Ashish who gave knife blow and no injury has been attributed to the petitioner. The only allegation against the petitioner is that he was occupant of one car along with Ashu @ Ashish in another car which hit the car of the complainant. However, during the course of investigation, it is only one car which has come into picture and merely on the bald statement of the complainant, the name of the petitioner has been roped in the present FIR.

(3) Notice of motion.

(4) On the asking of the Court, Mr. Surender Singh, AAG Haryana accepts notice on behalf of the respondent.

(5) On the other hand learned State counsel, on instructions from SI Raj Kumar, states that the petitioner is the main accused who was occupying the car which hit the vehicle of the complainant from the back. However, this very fact is not corroborated by the version as mentioned in the FIR itself.

(6) Keeping in view the totality of the facts and circumstances and also the fact that co-accused Jassu @ Jasvir has already been granted the concession of anticipatory bail and particularly in the light of the fact that no injury has been attributed to the petitioner and the custody period undergone by the petitioner, as is evident from the custody certificate, is 5 months 11 days only and since the conclusion of the trial is likely to take time and no fruitful purpose would be served by keeping the petitioner behind the bars, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

12.09.2022

V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No