

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41806-2022

Date of decision : 16.09.2022

Parvesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Veena Hooda, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.94 dated 09.04.2021 registered under Sections 323, 324, 34, 427, 452, 506 IPC (Section 307 IPC added later on) at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 24.08.2022 and the investigation is complete and the challan has already been presented and the petitioner is not involved in any other case and the material witnesses have already been examined. It is submitted that the petitioner was not named in the present FIR, although three persons were specifically named in the FIR i.e., co-accused Sunil, Parmod and Ajit. It is further submitted that as per the FIR, there was one unknown person accompanying the said three persons, against whom there is only one allegation levelled that he had assaulted the

said unknown person. It is also submitted that as per the prosecution case, the said unknown person was the present petitioner and thus, no specific injury has been attributed to the present petitioner, even as per the case of the prosecution. It is further stated that co-accused of the petitioner i.e., Ajit Godara, Parmod and Sunil @ Kala have been granted regular bail by another coordinate Bench of this Court vide orders dated 06.08.2021, 10.12.2021 and 25.10.2021 respectively.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that out of 15 witnesses, 12 witnesses have been examined. Other facts have, however, have not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner was not named in the FIR although, three persons had been specifically named in the FIR i.e., Ajit Godara, Parmod and Sunil @ Kala and one unknown person as per the FIR was alleged to have assaulted the complainant with a *danda* and no specific injury has been attributed to the said person and the said person, as per the case of the prosecution, was the present petitioner. The other co-accused of the petitioner namely Ajit Godara, Parmod and Sunil @ Kala have been granted regular by a coordinate Bench of this Court vide orders dated 06.08.2021, 10.12.2021 and 25.10.2021 respectively (Annexure P-2 colly). The petitioner has been in custody since 24.08.2022 and the petitioner is stated to be not involved in any other case.

Keeping in view the above said facts and circumstances, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

September 16, 2022
Davinder Kumar

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