

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42417-2022(O&M)

Date of decision : 20.09.2022

Abhishek

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Saurabh Dalal, 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.75 dated 16.02.2022 registered under Sections 323, 364-A, 379-B, 506, 201, 411, 394, 364-A (subsequently added), 34 IPC at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 17.02.2022 and the investigation is complete and the challan has already been presented and there are 18 witnesses and none of them have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is submitted that the dispute in the present case involves a total amount of Rs.8000/-, which included the salary to the tune of Rs.7,000/-, which, as per the case of the complainant, was not paid to him. It is further submitted that the injuries suffered by the complainant are simple in nature and in order to

trial Court which could be released to the complainant.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner along with other co-accused had beaten up the complainant and had caused one lacerated wound of size 0.8 x 0.2 cm at the left maxillary region alongwith pain in the chest of the complainant. It is further submitted that Rs.1000/- was also taken from the complainant and the salary of Rs.7000/- was also not paid.

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

The petitioner has been in custody since 17.02.2022 and the investigation is complete and the challan has already been presented and there are 18 witnesses and none of them have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The injuries suffered by the complainant are simple in nature.

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 and subject to the petitioner depositing an amount of Rs.10,000/- with the trial Court within a period of 2 weeks from today.

The trial Court is directed to release the said amount of Rs.10,000/- deposited by the petitioner in favour of the complainant. The payment of said amount would not be construed an admission of guilt on behalf of the petitioner.

It is made clear that in case the said amount is not deposited

within the aforesaid period, then the present petition would be deemed to have been dismissed.

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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 20, 2022
Davinder Kumar

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