

CRM-M-47541-2021 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Decided on: March 10, 2022.

(1)

CRM-M-47541-2021 (O&M).

Suresh and another

.. Petitioners

VERSUS

State of Haryana

.. Respondent

*** * ***

(2)

CRM-M-3765-2022 (O&M).

Gulab

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

**Mr. Parveen Kaushik, Advocate, for
for the petitioner in CRM-M-47541-2021.**

**Mr. G.S.Chauhan, Advocate, for
for the petitioner in CRM-M-3765-2022.**

Mr.Naveen Singh Panwar, DAG, Haryana.

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JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted two petitions i.e. CRM-M-47541-2021 filed by petitioners Suresh and Baru and CRM-M-3765-2022 filed by petitioner Gulab, under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.551 dated 27.8.2021, under Sections 148, 149, 308 and 323 IPC (Section 325 IPC added later on), registered at Police Station Samalkha, District Panipat.

Both the cases are taken up together for disposal since they are based on the same FIR and all the three persons are accused in the same FIR.

As per the FIR, a fight had taken place and all the three petitioners along with other co-accused have been named in the FIR and allegedly three persons were injured in the present FIR and initially, it was registered under Sections 148, 149, 308 and 323 IPC but later on as there were fractures on the body of the injured, so Section 325 IPC was also added.

Learned counsels for the petitioners in both the petitions have submitted that all the three petitioners are in custody since 14.9.2021 and they have clean antecedents and are not involved in any other case. They submitted that investigation of the case is already complete and challan has been presented on 25.10.2021 and thereafter, charges have also been framed on 30.1.2022 but no prosecution witness has been examined. It has been submitted by both the counsels that all the three petitioners have

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been falsely implicated in the present case and there was a delay of 3 days in lodging of the FIR and even otherwise also, the investigation of the case is already complete and no recovery is to be effected from the petitioners. They submitted that the trial of the case may take long time and considering their clean antecedents, all the three petitioners may be considered for the grant of regular bail.

On the other hand, learned State counsel, has submitted that it is correct that all the three petitioners are in custody since 14.9.2021 and after completion of investigation challan has been presented and no recovery is to be effected from them. He submitted that it is also correct that all the three petitioners are not involved in any other case. However, he has opposed the grant of bail to all the three petitioners on the ground that they have caused injuries to three persons who ultimately suffered fractures.

I have heard the learned counsel for the parties.

All the three petitioners are in custody since 14.9.2021 and after completion of investigation, challan has been presented before the Competent Court and charges have also been framed. As per the learned counsel for the parties, all the three petitioners are not involved in any other case and the trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice. Therefore, this Court deems it fit and proper to grant regular bail to all the three petitioners. Accordingly, both the petitions are allowed. It is ordered that the petitioners shall be released on bail on furnishing bail

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bond/surety bond to the satisfaction of the 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 only for the purpose of decision of present petitions.

Pending misc. application, if any, shall also stand disposed of accordingly.

March 10, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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