

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

224

CRM-M-47300-2021(O&M)
Date of Decision : January 21, 2022

UNIT GUPTA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

CRM-1668-2022

The present application has been filed for placing on record
Annexures P-9 to P-13.

For the reasons recorded in the application, the same is
allowed. The accompanying Annexures are taken on record, subject to
all just exceptions.

Main case

The present petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner in
case FIR No.651 dated 12.8.2021 under Sections 148, 149, 323, 325, 307,
379-B, 506, 120-B IPC registered at Police Station City, Distt. Yamuna
Nagar.

It has been submitted by the learned counsel for the

petitioner that the present petitioner is in custody from 26.7.2021 and the investigation of the case is already complete and the challan has been presented before the competent Court. He has further submitted that so far as the allegations against the petitioner are concerned, there is no specific injury attributable to the petitioner even as per the FIR. He has submitted that although there are some more cases pending against the petitioner but he is on bail in those cases. He further relied upon Annexures P-9 to P-12 by submitting that the other co-accused had been granted interim anticipatory bail by this Court. He has further submitted that infact the injuries suffered by complainant-Sahil were also simple in nature and with blunt weapon and, therefore, considering the fact that the petitioner is already in custody from 26.7.2021, he may be considered for the grant of regular bail.

On the other hand, Mr. Garg, learned DAG, Haryana has submitted that the nature of injuries suffered by Sahil was grievous in nature and that is why Section 307 IPC was added. He further submitted that so far as the custody period of the petitioner is concerned, the same is not in dispute and it is also not in dispute that the investigation has already been completed and the challan has been presented before the competent Court. He has also stated that so far as the other co-accused as pointed out by the learned counsel for the petitioner, they have been granted interim bail by this Court. He has opposed the grant of bail to the petitioner on the ground that the matter is serious in nature.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is

also not in dispute that the investigation of the case has already been completed and the challan has been presented before the competent Court. As per the allegations contained in the FIR, the attribution towards the petitioner was that he was accompanying the other four co-accused whereby the injuries were caused to Sahil. So far as the pendency of other cases against the petitioner is concerned, the same would not dis-entitle the petitioner for the grant of bail and apart from the same according to learned counsel for the parties, the petitioner is already on bail in other cases and the other co-accused have been granted interim bail by this Court. Apart from the same, 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 any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail, unless he is required in any other case, on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 21, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No