

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42733-2022

Date of decision : 23.11.2022

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vikas Lochab, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Anil Singh, Advocate for
Mr.Majlish Khan, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.166 dated 28.07.2022 registered under Sections 148, 149, 323, 342, 365 IPC at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner has submitted that in the present case even as per the prosecution version, it is the complainant who had gone to the house of the petitioner and wanted to take Audi car from the present petitioner which the petitioner had purchased after paying Rs.17 lacs. It is submitted that all the injuries suffered by the complainant party are simple in nature except injuries no.7 and 8 which have been suffered by the complainant Javed which are on the left ankle and right foot and these

are non vital parts of the body. It is stated that the petitioner has been in

custody since 28.07.2022 and the investigation is complete and the challan has already been presented and there are 22 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case there are four injured persons and further the snatched Baleno car has been recovered from the present petitioner. The other facts have, however, not been disputed.

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

Keeping in view the above said facts and circumstances, more so the fact that the petitioner has been in custody since 28.07.2022 and the investigation is complete and the challan has already been presented and there are 22 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case and as per the case of the prosecution, it is the complainant party who had come to the house of the petitioner and the recovery has already been effected and the two grievous injuries which have been suffered by the complainant are on the non vital parts of the body, 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

November 23, 2022
Davinder Kumar

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