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

**CRM-M-44111-2022
Date of Decision: 29.09.2022**

Bhupender @ Bhupi @ Ajay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L.K. Gollen, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

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 bearing FIR No.249 dated 25.06.2022, under Sections 307, 323, 506 & 34 of the IPC and Sections 25 & 27 of the Arms Act, registered at Police Station Sadar Rohtak, District Rohtak.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 03.07.2022 and the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that as per the allegations contained in the FIR, there was one co-accused, namely, Raju son of Ramphal, who allegedly opened fire at the toll plaza and after the aforesaid incident, he called four persons, out of which, allegedly one person was the

petitioner, who reached the aforesaid toll plaza after a period of ten minutes and they allegedly started beating the employees of the toll plaza. He also submitted that the name of the petitioner has surfaced although there were four persons who were called after a period of ten minutes and the allegations *qua* the petitioner are only pertaining to fight between the petitioner and the co-accused on the one hand and the employees of the toll plaza on the other hand and so far as the fight is concerned, it is yet to be determined at the time of trial that as to who was the aggressor party because these four persons had come there for the purpose of making reconciliation and to resolve the dispute. He further submitted that the other three co-accused, who were also the part of the four persons, who were allegedly called, have been granted interim anticipatory bail by this Court. He also submitted that be that as it may, the investigation of the case has already been completed, and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody since 03.07.2022 and it is also correct that the petitioner was one of those four persons who were called after ten minutes by the aforesaid co-accused, namely, Raju and so far as the present petitioner and other three accused are concerned, they had entered into fight only and they did not cause any injury to anybody. He has, however, opposed the grant of bail to the petitioner on the ground that the petitioner is involved in four more cases, although in one of the case, he has already been acquitted.

I have heard the learned counsel for the parties.

The petitioner is in custody since 03.07.2022. As per the learned counsel for the parties, the investigation of the case has already been completed and challan has also been presented before the competent Court. This Court has granted interim anticipatory bail to other three co-accused, who according to the prosecution, were the four persons who had come ten minutes later when the main co-accused, namely, Raju had opened fire at the toll plaza. As per the learned counsel for the parties, it is a case of no injury to anybody. The mere fact that the petitioner is involved in three more cases, cannot disentitle him for grant of regular bail. Furthermore, it is not the case of the learned State Counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

29.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |