

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-S No.1874 of 2022 (O&M)

Date of Decision: 08.12.2022

Irfan @ Iffi

.....Appellant

Versus

State of Haryana and another

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sarfraj Hussain, Advocate
for the appellant.

Mr. Apoorv Garg, DAG, Haryana
for respondent No.1-State.

Mr. Parveen Sharma, Advocate
for respondent No.2-complainant.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 31.08.2022 passed by learned Additional Sessions Judge, Nuh, whereby the application moved by the appellant-accused for seeking the relief of regular bail in the criminal case arisen out of the FIR bearing No.398 dated 02.12.2021 registered at Police Station Punhana, under Sections 323, 506 read with Section 34 IPC and Section 3 (1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989, has been dismissed, he (appellant-accused) has preferred the instant appeal to lay challenge to the same and he has also prayed for the relief of his release on regular bail.

2. Bereft of unnecessary details, the allegations, as levelled by complainant-Kamlesh in the subject FIR, are that the appellant, along-with his co-accused, had caused injuries to Poonam, Satish and Roop Singh with sticks and by giving fist and kick blows and they also used derogatory words in the name of their caste.

3. Status-report on behalf of respondent No.1-State, (by way of the affidavit of the Deputy Superintendent of Police, District Rewari), along-with Annexures R-1 to R-12 and the vernacular versions of some of the said documents as detailed in the Index tagged therewith, has already been filed.

4. I have heard learned counsel for the appellant as well as learned counsel for respondent No.1-State and learned counsel for respondent No.2-complainant as well in the present appeal and have perused the file carefully.

5. Learned counsel for the appellant-accused contends that the appellant is behind the bars since 30.08.2022 and the Challan has already been presented in the Court and none of the above-named injured persons had suffered any grievous injury and moreover, the appellant is not involved in any other criminal case of the similar nature but vide the impugned order, the Court below has erroneously dismissed the application as moved by the appellant for seeking the relief of regular bail and it being so, the said order is not legally sustainable and is, therefore, liable to be set aside and the appellant, thus, deserves the relief as prayed for in this appeal.

6. Learned State counsel as well as learned counsel for respondent No.2-complainant do not dispute the afore-referred factual position but they oppose the afore-said prayer of the appellant in view of the nature of the offence committed by him.

7. However, keeping in view the above-discussed undisputed facts and circumstances as well as the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the appeal in hand is hereby allowed and the impugned order dated 31.08.2022 is set-aside and resultantly, the applicant-accused named Irfan @ Iffi is ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 08, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>