

222

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

CRM-M No. 49360 of 2021 (O&M)
Date of Decision: 07.05.2022

Pardeep

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajnikant Upadhyay, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

CRM-14690-2022

For the reasons mentioned in the application, the same is allowed and the accompanying documents are taken on record, subject to all just exceptions.

Main case

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C. in case bearing FIR No.441 dated 12.09.2020 under Sections 323, 324, 506 read with Section 34 IPC (Offence under Section 307 IPC added later on) and under Section 25 of Arms Act registered at Police Station Sadar, Sonipat.

CRM-M No.13680 of 2021 was ordered to be dismissed as withdrawn at the instance of the petitioner when the petitioner himself sought for withdrawal of the main case by moving an application i.e. CRM No.31757 of 2021.

In compliance of order dated 02.04.2022, learned counsel for the petitioner has moved CRM No.14690 of 2022 seeking to place on record additional documents viz copies of statements of the witnesses in order to show that the material witnesses have resiled and have not supported the case of prosecution. They have been examined by the Public Prosecutor but nothing incriminating could be extracted from their cross-examination.

Prosecution case is that on 11.09.2020 at about 8.00 PM, the complainant Aman, his younger brother Ankit and father Bhopal were standing in the street. Petitioner along with co-accused Parveen, Jasbir and Saurabh came there and started fighting with father of the complainant owing to some old dispute. When the complainant and his brother tried to intervene, then all the accused persons in furtherance of their common intention inflicted injuries upon all the three with knife, dandas and other sharp edged weapons. Initially, the case was registered under Sections 323, 324, 506 read with Section 34 IPC and the accused were granted bail. Subsequently, due to

enlargement in the culpability of the accused persons based on opinion of the doctor, the petitioner was re-arrested on 13.12.2020 and since then, he is in custody.

Learned counsel for the petitioner by referring to the statement of complainant- Aman submits that the complainant has not identified the accused persons who had caused injuries to the complainant party. The witness has already been declared hostile and has been adequately cross-examined by the Public Prosecutor. Similarly, Ankit and Bhopal have also been examined to the same effect.

Per contra, learned State counsel opposed the bail on the ground that out of 26 prosecution witnesses, 20 prosecution witnesses have been examined. The testimonies of the prosecution witnesses would be tested by the trial Court in due course.

Looking to the custody of the petitioner and testimonies of material witnesses, I deem it appropriate to enlarge the petitioner on regular bail.

Without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

07.05.2022
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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