

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

268

**CRM-M-46036-2022
Decided on : 27.10.2022**

Naveen and another

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Balraj Gujjar, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana
assisted by ASI Rakesh Kumar.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioners – Naveen and Joginder, who have been booked for having committed the offence punishable under Sections 148, 149, 323, 341, 506, 195A of IPC, in FIR No. 165, dated 12.08.2022, registered at Police Station Jui Kalan, Bhiwani (Haryana), during the pendency of trial.

Learned counsel for the petitioners submits that vide order dated 11.10.2022, passed by this Court in CRM-M-46657-2022, co-accused of the petitioners namely Sunil Kumar, Jagmender and Sumit, were granted concession of interim anticipatory bail and said petition is pending for 19.01.2023.

Copy of the said order supplied by learned counsel for the petitioners, is taken on record, subject to all just exceptions. Order dated 11.10.2022, passed in CRM-M-46657-2022, says as under:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, namely, Sunil Kumar, Jagmender and Sumit, who have been booked for having committed the offences punishable under Sections 148, 149, 323, 341, 506 and 195-A IPC, in a case arising out of FIR No. 165, dated 12.08.2022, registered at Police Station Jui Kalan, District Bhiwani.

Learned counsel for the petitioners submits that co-accused of the petitioners, namely, Joginder and Naveen, who allegedly caused injuries by iron-rod on ankle and hip of Mandeep, have already been arrested, and similar role of causing injuries with iron-rod to Mandeep has been alleged against present petitioners also. Learned counsel submits that after the alleged incident, injured – Mandeep was medically examined at Shri Baba Yogi Netanath Hospital and Research Centre, Lohani, where two injuries were noticed, i.e. (i) Bruise over right back; and (ii) Abrasion over right back abdomen. Thus, allegation of causing injuries by all the five accused persons, appears to be false.

Learned counsel for the petitioners further argues that already there are other cases pending between both the sides and complainant Mandeep alongwith Kuldeep and Sanjay etc., is an accused in FIR No. 0209, dated 06.10.2021, under Sections 147, 149, 323, 325 and 341 and 307 (added later on) of IPC, registered at Police Station Jui Kalan, District Bhiwani. And for the same incident there is FIR No. 202, dated 27.09.2021, under Sections 147, 149, 323, 307 and 506 IPC, registered at Police Station Jui Kalan, District Bhiwani, against the petitioners’ party. Learned counsel, thus, submits that by concocting false story regarding an incident, present case has been got lodged against the petitioners.

Notice of motion.

Mr. Ashish Yadav, Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Adjourned to 19.01.2023.

In the meanwhile, petitioners are directed to join investigation as and when required to do so by the Investigating Agency. In the event of their arrest, petitioners shall be released on ad-interim bail, subject to their furnishing bail bonds to the satisfaction of the

Arresting Officer. The petitioners shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

Learned counsel for the petitioners submits that in the present case, injuries suffered by the complainant party are simple in nature and all the offences are triable by the Court of Ld. Magistrate. It is also submitted that after completion of investigation, report under Section 173 Cr.PC, has been submitted to the Court concerned, however, charges are yet to be framed. Therefore, by keeping the petitioners inside jail, purpose of nobody would be served.

Learned State counsel also confirms that the investigation in the matter is complete and final report under Section 173 Cr.PC has also been submitted to the Court concerned. It is also not disputed by learned State counsel that all the injuries suffered by the complainant party are simple in nature and thus, offences are triable by the Court of Ld. Magistrate.

After noticing all the aforementioned submissions addressed by both the sides, I am of the view that no purpose would be achieved by keeping the petitioners inside jail for indefinite period, in a matter, which is triable by the Court of Ld. Magistrate, more especially, when three of the co-accused i.e. Sunil Kumar, Jagmender and Sumit, have already been ordered to be released on interim anticipatory bail by this Court. Therefore, I deem it appropriate to grant concession of regular bail to the petitioners.

Accordingly, prayer made in the present petition is **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

Needless to observe that the petitioners shall not extend any

threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 27, 2022

J.Ram

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