

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

215

CRM-M-46787-2022

Date of Decision : **October 17, 2022**

NITIN @ MONU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

PANKAJ JAIN. 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 FIR No.304 dated 20.5.2022 under Sections 323, 324, 341, 506, 34 IPC, added later on 148, 149, 325, 326, 307 IPC and Section 25 of Arms Act, registered at Police Station Bhiwani City.

Custody certificate has been produced. The same is taken on record. As per the same, the petitioner has undergone actual custody of two months and fourteen days.

Counsel for the petitioner submits that the petitioner was not named in the FIR and has been nominated on the basis of a disclosure statement made by co-accused, namely, Gaurav. He submits that even in the said statement, the petitioner has not been attributed any intention to kill the victim to invoke Section 307 IPC. The petitioner has only been attributed kicks and fists blows. He further relies upon the order passed

by this Court in CRM-M-44467-2022 dated 30.9.2022 whereby co-accused, Aman Singh Tanwar has been granted the concession of interim bail.

Mr. Jain appearing for the State does not dispute the aforesaid factual assertions made by the learned counsel for the petitioner based on record. He admits that the fact that the life threatening injury has been attributed to co-accused, namely, Jitender @ Rahul as per report under Section 173(2) Cr.P.C. He admits that the investigation stands completed and the challan has been presented.

I have heard learned counsel for the parties and have gone through the records of the case.

Without expressing any opinion on the merits of the case and keeping in view the incarceration already suffered by the petitioner and the fact that the investigation stands completed and challan has been presented, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

October 17, 2022
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(PANKAJ JAIN)
JUDGE

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