

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

225

CRM-M-52380-2021

Date of Decision : January 31, 2022

VAKIL @ WASIM

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Rahul Mohan, 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 FIR No.30 dated 26.3.2021 under Sections 148, 149, 323, 506 IPC, later on Section 307 IPC was added, registered at Police Station Utawar, District Palwal.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 25.7.2021 and the investigation of the case has already been completed and the challan has since been presented before the competent Court. He has further submitted that it is a case where as per the FIR there was no role attributable to the petitioner and he was shown to be alongwith the other co-accused and allegedly some injuries were caused on the injured person. He submitted that as per the FIR itself the alleged incident had taken place on 19.3.2021 but the present FIR was lodged on 26.3.2021 which was after a period of 7 days and there is no justification for the delay. He further submitted that Section 307 IPC has been added after about a period of 4 months and has

also submitted that the complainant was discharged from the hospital on 22.3.2021 but it was only in the month of July 2021 that he had given supplementary statement after the discharge from the hospital in which he has stated that the petitioner alongwith other co-accused had given a blow on the head of injured and there is no justification with regard to this delay as well since the complainant was discharged from the hospital on 22.3.2021. He submitted that be that as it may, the investigation of the case is already complete and now no recovery is to be effected from the petitioner and the petitioner is not involved in any other case and has got clean antecedents. He has further submitted that since the trial of the case would take long time, he may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that so far as custody of the petitioner is concerned, the same is correct and it is also correct that the investigation of the case has already been completed and the challan has been presented before the competent Court and no recovery is to be effected from the petitioner. He has also submitted on instructions that the petitioner is not involved in any other case. However, learned State counsel has opposed the grant of regular bail on the ground that it is a case where injury has been caused on the head of the complainant and that is why Section 307 IPC was added and since the matter is serious in nature, he does not deserve the concession of bail.

I have heard the learned counsels for the parties.

The petitioner is in custody from 25.7.2021 and the investigation of the case has been completed and the challan has been presented. It is the case of both the learned counsel for the parties that the petitioner has got clean antecedents and there is no other case against the petitioner. Furthermore, there is a delay of 7 days in lodging the FIR and as per the FIR there is no specific role attributable to the petitioner although he was named in the FIR and after a period of about 4 months that the complainant had suffered a supplementary statement by stating that the present petitioner had caused injuries on the head of the

complainant and thereafter Section 307 IPC was added after a period of 4 months. The learned State counsel has further referred to para No.11 of the affidavit to state that it is highly likely that in case the petitioner is released on bail then he may influence the material witnesses or intimidate them . However, on being specifically asked from the learned State counsel as to what is the material available with the State to have an apprehension that the petitioner is likely to intimidate or influence the witnesses, learned State counsel has not been able to reply the same. It appears that the objection has been taken in a mechanical manner.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

January 31, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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