

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49346-2022

Date of decision : 18.11.2022

Virender @ Bittu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Kamal Chaudhary, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0603, dated 23.07.2022, registered for the offences punishable under Sections 148, 149, 308, 323, 325, 342 and 365 of IPC, at Police Station Samalkha, District Panipat.

2. Counsel for the petitioner submits that the role attributable to the petitioner as per the contents of the FIR is of having inflicted fist blow and kick blows, no life threatening injury has been attributed to him. Further relies upon order of even date passed in CRM-M-43428-2022, wherein co-accused has been granted concession of pre-arrest bail as the stand of the State was that the co-accused has joined investigation and is no more required for custodial interrogation. He further submits that the petitioner has already suffered incarceration for more than 03

months and 08 days and thus will be entitled for grant of regular bail.

3. Mr. Kamal Chaudhary, Advocate appearing for the complainant has opposed the prayer made by the petitioner and submitted that the petitioner being part of unlawful assembly, cannot be allowed to split spell his role from other co-accused.

4. Mr. Ambavta does not dispute the factual assertions made by counsel for the petitioner based on record.

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

6. Keeping in view the incarceration already suffered by the petitioner, the fact that the co-accused stands admitted to pre-arrest bail and in view of the role attributed to the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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

(PANKAJ JAIN)
JUDGE

18.11.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No