

KRISHAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

(The case has been taken up through video conferencing on account of Covid-19 Pandemic).

VIVEK PURI, J. (ORAL)

Status report by way of affidavit of Upasna, IPS, Additional Superintendent of Police, Sonapat and custody certificate of the petitioner on behalf of the respondent-State have been filed and the same is taken on record.

Krishan-petitioner is seeking regular bail in the case bearing FIR No. 277 dated 11.03.2020 under Sections 148/149/186/307/323/324/332/353/201/506/120-B IPC, 1860 and Sections 25/54/59 of the Arms Act, registered at Police Station City Sonapat.

Briefly, the FIR has been registered on the basis of the statement made to the police by Sohan alleging that on 10.03.2020 at about 4:00 PM, he had gone to meet his brother who was working at Boosting Station. Suraj, the brother of the complainant and Ajay were present at the spot. Meanwhile, 4-5 boys were consuming liquor and the brother of the complainant asked them to refrain from doing so. They started giving beatings to Suraj and Ajay, One of them made a telephonic call and some boys arrived at the spot on three motorcycles and car.

Suraj on his foot and chest by knife. Meanwhile, Ramchander, the maternal uncle of the complainant who was standing nearby tried to intervene and injuries were inflicted on his foot and chest by means of stick and knife blow was also inflicted upon him.

It has been contended by the learned counsel for the petitioner that the arrest of the petitioner was effected on 13.03.2020 and has not been named in the FIR. The earlier bail application was dismissed on merits on 04.09.2020 and the petitioner is now in custody for a period of 01 year, 11 months and 24 days. The lapse of a period of about 1 ½ years provides significant change of circumstances to extend the concession of bail to the petitioner. Furthermore, three co-accused namely Antil @ Ankit, Himanshu and Sumit have been granted regular bail by the Co-ordinate Benches of this Court.

Learned State counsel has opposed the bail application on the score that out of 19, 02 witnesses have been examined so far and material witnesses are yet to be examined. Furthermore, the petitioner has been nominated in the statement of Ajay, an eye witness and serious injury resulting in damage to the kidney of Suraj has also occurred in the instant case. The status report indicates that the recovery of one motorcycle and a stick used in commission of crime has been effected in pursuance of the disclosure statement of the petitioner.

The petitioner is in custody for a period of about 02 years and three co-accused have been granted regular bail, the name of the petitioner has not been named in the FIR and his name has emerged in the statement of Ajay, an eye witness. Status report indicates that the recovery of one motorcycle and a stick used in commission of crime has been effected in pursuance of the disclosure statement of the petitioner. As such, it will remain debatable as to whether injury under Section 307 IPC has been attributed to the petitioner.

that he came to know about the name of the petitioner after verification. Furthermore, he has also stated the Sombir, Harsh, Juned and Ajay had committed the misdeed by causing injuries to him, Suraj and Ramchander. Even the name of the petitioner has not been mentioned in that part of the statement of Ajay. The petitioner has undergone sufficient incarceration and the co-accused have been granted bail, which make out significant change of circumstances.

Keeping in view the fact that out of 19, only 02 witnesses have been examined, it can be viewed that the conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

09.03.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No