

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

**CRM-M-51124-2022
Date of decision : 10.11.2022**

Dheeraj @ Bacchi

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ramender Chauhan, Advocate
for the petitioner.

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

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.304, dated 20.05.2022, registered for the offences punishable under Sections 148, 149, 307, 323, 324, 325, 326, 341 and 506 of IPC and Sections 25, 54 and 59 of Arms Act, at Police Station City Bhiwani, District Bhiwani.

2. Custody certificate has been produced, which is taken on record. As per the same, the petitioner has undergone actual custody of 04 months and 04 days.

3. Counsel for the petitioner submits that petitioner was not initially named in the FIR, he was roped in on the strength of disclosure statement suffered by co-accused, namely, Gaurav. It has been further submitted that even as per the same, the life threatening injury has been attributed to the main accused namely Jitender @ Rahul. As per the CCTV footage, the petitioner has been attributed only a fist blow. The petitioner is behind bars for last more than 04 months. Investigation already stands concluded and the report under Section 173(2) Cr.P.C. stands filed. He also relies upon orders dated 17.10.2022 passed in CRM-M-46787-2022 whereby accused Nitin @ Monu has been granted bail and claims parity.

4. Mr. Jain appearing for the State does not dispute the aforesaid factual assertions made by counsel for the petitioner. He admits that as per report filed under Section 173(2) Cr.P.C., life threatening injury has been attributed to co-accused namely Jitender @ Rahul.

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 and the fact that investigation stands concluded, challan stands presented, there is no apprehension that the petitioner shall tamper with the evidence, the present petition is allowed.

7. Without commenting on the merits of the case, the 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.

8. 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

10.11.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No