

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52794-2022

Date of Decision: 05.12.2022

ABHISHEK SONKAR

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.S. Chauhan, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 397 dated 04.07.2022, under Sections 148, 149, 323, 506 and 307 of the Indian Penal Code, 1860 and Section 25-54-59 of the Arms Act, 1959 (added later on), registered at Police Station Ambala Cantt, District Ambala.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 04.07.2022 and the police has already completed the entire investigation and thereafter report under Section 173 Cr.P.C., has been presented before the Competent Court. He has further submitted that it is a case where the allegation against the petitioner is that he had caused injuries upon the complainant on his head and near the ear.

Learned counsel for the petitioner has referred to Annexure P-2, to show that

all the injuries have been declared to be simple in nature and also submitted that the other co-accused namely Shubham @ Kaka and Shiva have been granted the concession of interim anticipatory bail by this Court vide order dated 21.09.2022 and co-accused Pratham vide order dated 14.10.2022. He has submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 04.07.2022 and the police has completed the investigation and now the challan has been presented. Further the injuries opined as simple vide Annexure P-2, is not disputed by the learned State counsel. He has further opposed the prayer for grant of regular bail on the ground that the petitioner is also involved in four more cases, however, learned counsel for the petitioner submitted that out of four cases, two FIRs have already been quashed vide orders dated 18.03.2021 and 13.09.2022 and in another FIR, quashing petition is still pending, as per para 10 of the petition.

I have heard the learned counsel for the parties.

The petitioner is in custody from 04.07.2022, investigation is completed and as per Annexure P-2, injuries suffered by the injured are declared to be simple in nature. The mere fact that the petitioner is involved in four more cases, out of which two FIRs have already been quashed and in one FIR, quashing petition is still pending, cannot become a ground for denial of regular bail. The conclusion of trial may take long time and it is not the case of the State that in case the petitioner is released on bail, he may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid totality of facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.12.2022

Poonam Negi

(JASGURPREET SINGH PURI)
JUDGE

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