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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52718-2022 (O&M)
Date of Decision: 21.12.2022

Sonu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravi Sharma, Advocate with
Mr. Ravinder Kumar Panchal, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, 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. 190 dated 30.08.2022, under Sections 148, 149, 323, 341, 325, 506, 120-B IPC (Section 307 IPC added later on), registered at Police Station Alewa, District Jind.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 14.10.2022 and the investigation of the case has been completed and thereafter challan has been presented before the competent Court. He submitted that in the present case the allegation was that the petitioner alongwith other co-accused had caused injuries to

the injured collectively and the role assigned to the petitioner as per the FIR was that he was holding a Danda in his hand. He submitted that the petitioner is not a habitual offender and is not involved in any other case and although earlier he was involved in one case under Section 354 IPC but he has since been acquitted in that case. He further submitted that however during the course of investigation it was found by the Investigating Agency that the petitioner was not present on the spot and the other three co-accused were present when the alleged injuries were caused and therefore the petitioner is involved only pertaining to Section 120-B IPC that he conspired with the other three co-accused. He also referred to the report under Section 173 Cr.P.C wherein such observation has been made at the time of filing of the challan. He submitted that therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Surinder Kumar Dagar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 14.10.2022 and so far as the antecedents of the petitioner are concerned, as per his instructions he is involved in one more case but he is not aware as to whether he has been acquitted or not.

I have heard the learned counsel for the parties.

The petitioner is in custody from 14.10.2022 and the investigation of the case has been completed. Learned counsel for the petitioner has referred to the final report under Section 173 Cr.P.C wherein the role regarding the petitioner was pertaining to conspiracy only. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with

evidence or may flee from justice.

In view of the aforesaid 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.

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.

21.12.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No