

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

**CRM-M No.53445 of 2022 (O&M)
Decided on: 23.11.2022**

Vikas

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vinod Ghai, Sr. Advocate
with Ms. Kanika Ahuja, Advocate
and Mr. Kashish Sahni, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.163 dated 05.05.2022 registered under Sections 120-B, 307, 34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Sadar Jhajjar, District Jhajjar.

Learned senior counsel for the petitioner has argued that the FIR was registered on the statement of one Ashok Kumar that on 01.05.2022, at about 10:00 PM, when he along with his brother Rambir, were going for a walk, his brother was hit, with intention to kill by 3-4 boys, whose car registration plate No.HR52-C-7707, was found at the spot. It is further submitted that thereafter, 02 persons came out of the car and gave beatings to his brother and when he raised a voice for help, they ran away from the spot. It is also argued that the FIR was registered on 05.05.2022 and thereafter, the police during the

investigation recorded the statement of the registered owner of the aforesaid car bearing No.HR52-C-7707, namely Pradeep, who stated that he has purchased the car from one Sachin and later on, Sachin made a statement that he has given it to the present petitioner.

Learned senior counsel for the petitioner has further submitted that it is on the presumption that it was the petitioner, who was driving the car, he has been nominated in this case. It is also submitted that in the FIR, it is stated that there were 3-4 unknown boys as the petitioner was not named in the FIR and therefore, the identity of the petitioner is yet to be proved. It is further contended that when Ashok Kumar, the complainant got his brother admitted in Civil Hospital on the date of incident, it was stated to be a case of road side accident and as per the admission report, the injured was smelling of alcohol.

Learned senior counsel for the petitioner has then argued that later on, the victim left the hospital against the advise of the doctor and later on, he had gone to a private hospital where the fracture of one vertebra was noticed. It is also submitted that there is no explanation of 04 days from the date of incident till registration of the FIR, though, it is not the case that the complainant suffered any injury and he did not record any complaint to the police immediately after the incident. Lastly, it is argued that the petitioner is in custody for the last about 06 months and 12 days; the investigation is complete; challan stands presented and it will take some time in conclusion of the trial.

Counsel for the State, on instructions from ASI Yogesh Kumar, has argued that during the investigation, the complainant has

recorded a statement that few days ago, the same car was seen doing recci outside the house of the complainant.

However, on a Court query, it is stated that with regard to that incident, no DDR has been registered with the police.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 06 months and 12 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; investigation is complete; challan stands presented; out of 12 PWs, who are cited in the list of witnesses, no PW has been examined, so far and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.11.2022

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No