

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

CRM-M-53767-2022 (O&M)

Date of decision: 24.11.2022

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Duhan, Advocate
for the petitioner.

Mr. Deepak Kumar 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 counsel for the petitioner, at the very outset, relies upon order dated 23.11.2022 passed in CRM-M-53445-2022, vide which co-accused Vikas has already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“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 advice 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/Illaqa Magistrate/Duty Magistrate.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner is also in judicial custody for the last 06 months and 13 days and no specific allegation is there against him in the FIR.

Learned counsel for the petitioner further submits that *Challan* has been presented and conclusion of the trial is likely to take a long time.

Learned State counsel has filed the custody and has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The

petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

24.11.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>