

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

205

CRM-M-54801-2022

Date of Decision: 01.12.2022

Sagar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aakash Dalal, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.229 dated 04.07.2022 registered at Police Station Sector-6, Bahadurgarh, District Jhajjar, under Sections 307, 120-B, 34 of IPC.

Learned counsel for the petitioner submits that as per allegations of FIR itself, the petitioner is neither owner of the vehicle nor was driving the vehicle at the time of commission of alleged offence. There is allegation that the petitioner was sitting in the car along with Deepak who at the time of alleged incident was driving the vehicle. The petitioner is in custody since 22.07.2022. He is not involved in any other case. The *challan* has already been presented and it is a case of personal enmity between complainant and his nephew-Deepak. The petitioner has been wrongly implicated in the alleged offence.

Learned State counsel submits that the petitioner was present at the time of commission of alleged offence. He was sitting in the car which

hit the complainant. He does not deserve the leniency.

Keeping in mind :

- (i) The petitioner is 21 years old boy;
- (ii) The petitioner is not having any criminal antecedents;
- (iii) The petitioner was not driving the alleged vehicle;
- (iv) The petitioner is in custody since 22.07.2022;
- (v) There is personal enmity between complainant and Deepak and petitioner is not a part of litigation between complainant and Deepak (nephew of the complainant);
- (vi) *Challan* has already been presented and the conclusion of trial would take considerable time;

this court is of the opinion that the present petition deserves to be allowed and accordingly allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

01.12.2022

anju

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