

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

203

CRM-M-57232-2022

Date of Decision: 13.12.2022

Deepak

..... 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.

As per allegations in FIR, the petitioner has hit the scooty of the complainant from backside whereas mechanical report is totally other way round. As per report of mechanic, the scooty was hit from front side which belies the case of the prosecution. He further submits that the petitioner had undergone legament surgery of left knee on 26.05.2022, thus, it was impossible for him to drive vehicle on the alleged date i.e. 03.07.2022. 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 the petitioner. 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 driving the car which hit the complainant. He does not deserve the leniency.

Keeping in mind :

- (i) The petitioner is 22 years old boy;
- (ii) The petitioner is not having any criminal antecedents;
- (iii) Report dated 27.07.2022 of official mechanic is telling the story different from the case of prosecution;
- (iv) The petitioner is in custody since 22.07.2022;
- (v) There is personal enmity between complainant and family of the petitioner;
- (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

13.12.2022
anju

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