

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

108

CRM-M-58596-2022  
Decided on :16.12.2022

Harsh Kumar @ Gyani and another

. . . Petitioners

Versus

State of Haryana

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

PRESENT: Mr. Aditya Sanghi, Advocate  
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

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**VIKAS BAHL, J. (Oral)**

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR No. 56 dated 05.04.2021 registered under Sections 472, 384, 364-A and 120-B IPC at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioners has submitted that the petitioners have been in custody since 07.04.2021 and the investigation is complete and challan has been presented and there are as many as 18 prosecution witnesses, out of whom only 2 witnesses have been examined and thus, the trial is likely to take time. It is further submitted that in the present case, even as per the case of the prosecution, no injury has been suffered by any person and recovery has already been effected and no purpose would be served by keeping the petitioners in further incarceration. It is contended that the petitioners are not named in the FIR and initially co-accused Jashandeep was arrested on

06.04.2021 and it is on the basis of disclosure statement of said Jashandeep that the petitioners were arrested and from the petitioner No. 1, the recovery of Rs.30,000/- has been effected and from the petitioner No. 2, a recovery of Rs.80,000/- has been effected. It is contended that the case of the petitioners is on a similar footing as that of Yadwinder @ Yada, Gunjan Kumar and Jashandeep who have been granted the concession of regular bail vide order dated 15.11.2022 passed in CRM-M-46129-2021 and connected matters.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in addition to the abovesaid recovery, a *kappa* has been recovered from petitioner No. 1 and an iron *Dattar* has been recovered from petitioner No. 2.

This Court has heard learned counsel for the parties and has gone through the paper-book.

In the present case, the petitioners have been in custody since 07.04.2021 and the investigation is complete and challan has been presented and there are as many as 18 prosecution witnesses, out of whom only 2 witnesses have been examined and thus, the trial is likely to take time. The petitioners were not named in the FIR. The co-accused/Jashandeep was arrested on 06.04.2021 and it is on the basis of disclosure statement of said Jashandeep that the petitioners were implicated and were arrested and the recoveries have already been effected from the petitioners.

Keeping in view the abovesaid facts and circumstances, all

the petitions are allowed and the petitioners are directed to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to them not being required in any other case.

However, it is made clear that in case, any act is done by the petitioners to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

16.12.2022

Mehak

(VIKAS BAHL)  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |