

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1405-2023 (O&M)

Date of Decision: 14.2.2023

Aman

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

CRM-6813-2023

Allowed as prayed for and document Annexure P-3 is taken on record subject to all just exceptions.

Main case.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.336 dated 21.3.2022 registered for the offences punishable under Sections 147, 148, 149, 285, 323, 341, 379-B, 427, 506 IPC and Section 25 of Arms Act (Sections 307, 325, 294 IPC added later on) at Police Station Sadar Hisar, District Hisar.

Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and later on, named as accused on the basis of the disclosure made by co-accused Rohit and Sumit and was arrested on 15.4.2022. He further submits that no incriminating article was recovered from the possession of the petitioner and presently, he is lodged in judicial

custody and after completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude; that even similarly situated co-accused Rahul has been granted benefit of regular bail by this Court vide order dated 20.1.2023 (Annexure P-3). So, prayer is made that the petitioner be released on regular bail.

Present petition is contested by the State counsel who submits that 7 persons named in the FIR along with 10-15 unknown persons caused injuries to complainant-Gaurav. He further submits that the petitioner was one of those unidentified persons and his name surfaced in the disclosure statement of co-accused Rohit and Sumit and and consequently, he was arrested on 15.4.2022 but no weapon was recovered from his possession. He has not disputed the fact that after completion of investigation, the police has presented the challan but the trial is yet to commence.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR and was arraigned as accused on the basis of the disclosure statement made by co-accused Rohit and Sumit and was arrested on 15.4.2022. No incriminating article was recovered at the instance of the petitioner during the investigation. Further, after conclusion of the investigation, the police has presented the challan and it will take considerable time for the trial to terminate. Furthermore, Rahul has been enlarged on regular bail vide order Annexure P-3 passed by this Court. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 14, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No