

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARHSr. No. 213CRM-M-2156-2023Date of decision : 23.03.2023

Chanderdev and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Mr.Pradeep Chhoker, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C. the petitioners seek regular bail in FIR No.282 dated 12.07.2022 registered under Sections 34, 323, 324 IPC (Sections 326 and 506 IPC added later on) at Police Station Gadpuri, District Palwal.

Briefly stated, the case of the prosecution is that on 08.07.2022, at about 10:40 p.m., when the complainant-Rahul was coming from his fields, a car bearing registration No.HR-29-AH-8247 stopped near him from which the petitioners alongwith their co-accused alighted. Thereafter the petitioners gave blows on the complainant's head from their respective weapons as also co-accused-Dheeraj inflicted blows on the complainant with a wooden stick. When the complainant raised an alarm one Sachin reached there and on seeing him the petitioners and their co-accused fled the spot with their respective weapons. However, before they fled they snatched the complainant's gold chain.

Initially the FIR was lodged under Sections 323, 324 and 34 IPC and since the afore offences were bailable the petitioners, on arrest, were

released on bail. Later, on receipt of opinion of the doctor that the complainant had received grievous injuries, Section 326 IPC was added and the petitioners were re-arrested. After investigation, the police filed its report before the competent court under Section 173 Cr.P.C. on the basis whereof the petitioners and their co-accused were charged to face trial under Sections 323, 324, 326, 506 and 34 IPC. It is at that stage that the petitioners sought regular bail from the Sessions Court at Palwal on the denial of which they have knocked the doors of this Court for the same relief through the instant petition.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case; they have no other criminal antecedents; they are in custody since 19.09.2022; the complainant and the injured already stand examined in the petitioners' trial and therefore the petitioners are in no position to influence their testimonies; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, petitioner No.1 is attributed a simple injury and petitioner No.2 is though attributed a grievous injury but the same is on the non-vital part of the complainant's body; co-accused-Dheeraj has already been granted regular bail by the trial court and that since ten prosecution witnesses still remain to be examined in the petitioners' trial, the same will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioners on the ground that petitioner No.1 has caused an injury on the complainant's head and petitioner No.2 has caused a grievous injury to the complainant as also for the reason that if released on bail they may influence their trial.

Learned counsel for the parties have been heard and with their able assistance record of the case has also been perused.

The petitioners are in custody since 19.09.2022; they have no other criminal antecedents; the complainant and the injured already stand examined in the petitioners’ trial and therefore the petitioners are in no position to influence their testimonies; co-accused-Dheeraj has already been granted regular bail by the trial court; petitioner No.1 is attributed a simple injury; the grievous injury attributed to petitioner No.2 is on a non-vital part of the complainant’s body and that since ten prosecution witnesses still remain to be examined in the petitioners’ trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioners be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Palwal, the petitioners are directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.03.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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