

CRM-M 2927 of 2023

2023:PHHC:049371

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M 2927 of 2023

Date of Pronouncement:11.04.2023

Parhlad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Lakhwinder Singh, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.174 dated 25.05.2022, under Sections 147, 148, 149, 427, 436, 457 of IPC (Section 380 IPC added later on), registered at Police Station City Ratia, District Fatehabad, Haryana.

The case in question was registered on the basis of statement of Chhinderpal Ex Sarpanch. As per the allegation, his nephew Tony and uncle of Tony namely, Bunty had gone somewhere else after locking the house and nobody was present in the house. On 24.05.2022, at about 9.30 p.m., he received information that Makhan @ Mohit and 10-12 unknown youths while holding swords, Bindas, Iron Pipes in their hands broke the locks of the house of his relatives, Tony and Bunty and by trespassing in the house damaged the household articles and after throwing household articles out from the house, had set the household articles on fire and burnt household articles of lacs of rupees. He reached the spot and saw that neighbourer had controlled the fire and the police was intimated.

Learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence. The aggrieved persons, namely, Buntty and Tony did not make any complaint to the police. It is a residential area and there are many residential houses, but there is no eye witness of the occurrence. The petitioner is involved in one another criminal case bearing FIR No.78 dated 07.03.2022 and he has already been granted bail in the said case. The petitioner was having enmity with the complainant Chhinderpal-Ex Sarpanch, so petitioner has been falsely implicated in the present case. He is custody since 25.06.2022. Challan has already been presented in the present case.

Status report by way of affidavit of Jugal Kishore, HPS, Deputy Superintendent of Police, Fatehabad (Haryana), on behalf of respondent-State, has already been filed. The same is taken on record.

On the other hand, the prayer is opposed by learned State counsel. He submits that the petitioner has also suffered a disclosure statement regarding his involvement in the present case. The petitioner had already got recovered the sword used in the crime and thus he does not deserve to the concession of bail.

Heard.

Without discussing the merit and keeping in view the fact that the petitioner is in custody since 25.06.2022 and challan in this case has already been presented. Trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is *allowed*. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

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If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

11.04.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No