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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3456-2023(O&M)
Date of Decision: 24.08.2023

Chhinderpal

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Japjit Singh Johal, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Vijay Pal, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

CRM-28644-2023

The present application has been filed for placing on record Annexure P-12.

For the reasons recorded in the application, the same is allowed. Annexure P-12 is taken on record subject to all just exceptions.

Main case

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.53 dated 12.02.2022, under Sections 307, 323, 324, 341, 379-B, 506, 120-B, 34 IPC and Section 25 of Arms Act (Section 379-B IPC and Section 25 of Arms Act deleted and Sections 25(1-B) (a) & 29 of Arms Act and Section 326 IPC added later on) and thereafter, charges have been framed by the learned Additional Sessions Judge, Hisar under Sections 120-B, 341, 323, 324, 325, 307, 506 read with Section 34 IPC and Section 25(1B) (a) of Arms Act,

registered at Police Station Agroha, District Hisar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 1 year and 4 months and now 5 out of 18 cited prosecution witnesses have been examined. He submitted that even as per the allegations the main accused in the present case is Ajay and it was the land of the aforesaid Ajay which was the subject matter of controversy and the aforesaid Ajay has been granted regular bail by a Co-ordinate Bench of this Court in CRM-M-26301-2023 on 29.05.2023 vide Annexure P-12. He submitted that so far as the present petitioner is concerned, the allegation against the petitioner although not named in the FIR was that he had hit by a hand pump handle and so far as the present petitioner is concerned, he is not only at parity with the aforesaid Ajay but he is rather at a better footing as compared to the aforesaid Ajay. He further submitted that the reason as to why the petitioner has been falsely implicated was that the petitioner was earlier involved in six more cases and it was because of this reason that the petitioner has been nominated in the present case.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that it is correct that the petitioner is in custody for 1 year and 4 months and now 5 out of 18 cited prosecution witnesses have been examined. He submitted that the complainant is yet to be examined. He has however submitted that the petitioner is involved in six more cases.

4. However, at this stage, learned counsel for the petitioner has submitted that out of the aforesaid six cases, he has been acquitted in one case and he is on bail in the remaining cases.

5. Learned counsel for the complainant has submitted that the petitioner is not at parity with the aforesaid Ajay in view of the fact a compromise has been effected between the aforesaid Ajay and the complainant

and no compromise has been effected with the petitioner.

6. I have heard the learned counsel for the parties.

7. It is a case where the petitioner has already faced incarceration for 1 year and 4 months and now 5 out of 18 cited prosecution witnesses have already been examined. One of the main accused namely Ajay whose name has been mentioned in the FIR itself and as per the allegations there was a dispute of land of the aforesaid Ajay has already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-12. The argument raised by the learned counsel for the complainant that a compromise has been effected between the aforesaid Ajay and the complainant and no compromise has been effected with the petitioner cannot become a ground for denial of bail to the petitioner especially in view of the fact that he has already faced incarceration for 1 year and 4 months. Furthermore, it is not the case of the State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

8. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

9. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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