

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-3933-2023

Date of Decision:-31.01.2023

Vinay.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondents.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sukesh Kumar Jindal, Advocate with
Mr. Sonu Chhoker, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.632 dated 10.09.2022 under Sections 323, 506 and 34 IPC (Sections 114, 324, 326, 307 and 201 IPC added later on) registered at Police Station City, Panipat.

2. The present FIR came to be registered at the instance of Mohit who stated that he had passed the Class 10th examination. One Vinay Chhokar was one class senior to him. He was a vagabond kind of person. On 09.09.2022 while he (Complainant) was going to Oxford Center, Panipat for taking coaching an altercation took place with Vinay Chhokar in the bus. On 10.09.2022 Vinay Chhokar called him on his mobile and asked him to come to the park of Bishan Sarup Colony for a talk. Then he (complainant) along with his friends Basant, Utsav, Jai Bhagwan went to the park. On the

way in the street near the park Vinay Chhokar (petitioner) stopped him and started hurling abuses. He then took out a knife in the shape of a pipe in his bag and hurled the same on his (complainant's) chest directly stating that he would be killed. He (complainant) was rescued by his friends. The other unknown boy accompanying Vinay was encouraging him to kill him (complainant). Thereafter the accused fled away from the spot.

3. The Counsel for the petitioner contends that the petitioner is a young boy of the age of 19 years. Initially he had been granted the concession of bail on 16.09.2022 but on addition of Section 307 IPC and 326 IPC he was re-arrested on 11.11.2022 after which he was continuing in custody. Since none of the 18 prosecution witnesses had been examined so far and he was a first time offender, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused. The nature of the allegations did not entitle him to the grant of bail. He however does not dispute the aforementioned factual position as also the period of custody and stage of trial.

5. I have heard learned Counsel for the parties.

6. The veracity of the allegations shall be established during the course of trial. Admittedly the petitioner was granted bail on 16.09.2022 but was re-arrested on 11.11.2022 pursuant to which he is continuing in custody. None of the 18 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon. As such the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the

petitioner-**Vinay** son of Sh. Rajesh Kumar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

9. In addition, the petitioner (or any person on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

10. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 31, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>