

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5250-2023

Date of Decision: 24.2.2023

Manish @ Kala

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S.Johal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

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, 379B, 427, 506 IPC and Section 25 of Arms Act at Police Station Sadar, District Hisar.

As per allegations appearing on record, complainant-Gaurav Punia got recorded his statement with the police as on 18.3.2022 that he along with Yashdeep Sharma was going in his Scorpio vehicle bearing No.HR76-B-0026 which was being driven by Pawan and when they turned towards BHP colony, Rohit, Sumit @ Samiti, Anil @ Mota, Sumit's paternal uncle Shubham, Vishnu, Vishnu's brother accompanied by Pardeep and 15-20 other boys armed with rods, *gandasis*, axes etc. were standing there and Amit and Rohit exhorted others that Gaurav should not escape and be taught a lesson for being a witness against them. Then all the said persons

suddenly came in front of the vehicle of the complainant, on which, Pawan stopped the same and got down and ran away. Sumit and his companions took out the complainant and Yashdeep from the vehicle and then Sumit hit axe on the head of Gaurav while Rohit also caused injury on his right arm with a *chand*. The aforesaid accused also inflicted injuries on different parts of his body and they also attacked Yashdeep. Sumit snatched gold chain while Rohit and Vishnu snatched ₹ 25,000/- from the pocket of the complainant and they also damaged the vehicle and Anil also fired pistol shot in order to create fear.

Counsel for the petitioner submits that the petitioner was not named in the FIR and is in custody for the last more than 9 months and is having no criminal history. He further submits that the name of the petitioner was disclosed by complainant-Gaurav in his supplementary statement but no incriminating article was recovered from the possession of the petitioner. He further submits that co-accused Rahul has been granted regular bail by this Court vide order dated 20.1.2023. He further submits that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

Instant petition is contested by the State counsel who submits that 7 persons named in the FIR accompanied by 10-15 other unidentified persons caused injuries to complainant-Gaurav and Yashdeep with different weapons. State counsel further submits that the petitioner was one of those unidentified persons and his name surfaced in the supplementary statement made by complainant-Gaurav and thereafter, he was arrested but no weapon was recovered from his possession. State counsel has not disputed the fact that after completion of investigation, the police has presented the challan

but the trial is at its initial stage. State counsel has also not disputed the fact that co-accused Rahul son of Mangtu Ram who was not named in the FIR, is granted regular bail vide order dated 20.1.2023.

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

Admittedly, the petitioner was not named in the FIR and was impleaded as accused on the basis of the disclosure made by complainant-Gaurav in his supplementary statement and is in custody since 9.5.2022 and nothing was recovered from his possession and presently, he is lodged in judicial custody. As the trial is at its initial stage, it will take time for conclusion of trial. 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 24, 2023
Paritosh Kumar

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