

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-8316-2023

Date of Decision: 12.04.2023

Jaivir

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. S.K. Panwar, Advocate
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. Jagjit Singla, Advocate for
Mr. Kunal Dawar, Advocate for the complainant.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.492 dated 17.08.2022 registered under Sections 323, 506 of the Indian Penal Code, 1860(Sections 325, 367, 120-B, 34 of IPC, 1860 added later on) at Police Station Palla, District Faridabad, Haryana (Annexure P-1).

Brief facts of the case are that the present complaint was lodged on the complaint of the complainant Naveen Kumar son of Suraj Sharma, on the allegations that on 16.08.2022 at about 6.00 PM, Mohit called complainant, Naveen Kumar near Gurudwara for celebrating party and when he went there, said Mohit and Akash met him, who were having beer bottles and danda with them. Thereafter, complainant went with them, where Akash and Mohit after consuming beer started abusing complainant and gave him danda blows on his left foot and hand and also threatened to kill him in case he caused hindrance in their business. It is also alleged that

Akash and Mohit took the complainant at berm (pusta) of river and where they called one Jaiver at the spot and from there he was taken to Shivalik Hospital, Sector 37 for his medical examination. He has not received injuries in an accident rather Mohit had given him injuries. On these allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the entire story of the FIR is false and frivolous and no injury is attributed to the petitioner. Even as per the FIR, the petitioner had shifted the complainant/injured in the hospital by his own car on the asking of co-accused Mohit except this there is no other role has been mentioned in the alleged FIR rather complainant changed his entire version, which is contrary to the MLR dated 16.08.2022 wherein it was mentioned that he was hospitalized due to roadside accident and was not in influence of liquor but later on while registering the FIR, the specific allegations were made against the co-accused Mohit and Akash stating therein that they inflicted injuries on his person with Danda. He further contends that even as per the allegations, the role of the petitioner is that he brought his car to take the complainant to hospital apart from this there is no role or attribution to the petitioner and petitioner has been falsely implicated, who has not committed any offence as alleged in the FIR. Learned counsel for the petitioner further submits that the investigation has already been completed, the challan stands presented and out of total 15 prosecution witnesses, none of the witness has been examined till today.

On the other hand, learned State Counsel on instructions from the Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner is also involved in the alleged crime, however, does not

dispute that the charges have been framed and no prosecution witness has been examined so far.

Having heard learned counsel for the parties and gone through the case file, it is significant to note that the petitioner is in custody since 28.10.2022. Investigation of the case has been completed and challan stands presented and the charges have been framed. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

12.04.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

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