

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11814-2023

Date of Decision: 17.4.2023

Chander Mohan @ Sarpanch

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajit Sihag, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, 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.0336 dated 21.3.2022 registered for the offences punishable under Sections 147, 148, 149, 285, 323, 341, 379-B, 427, 506 IPC (Sections 307, 325 IPC added later on) and Section 25 of Arms Act at Police Station Sadar Hisar, District Hisar.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and he was not named in the FIR and later on, named as accused on the basis of the alleged disclosure made by co-accused. He further submits that the petitioner is in custody for the last more than 1 year and during investigation, no incriminating article was recovered from the possession of the petitioner; that after completion of investigation, the police has presented the challan but it will take time for

the trial to conclude and that similarly situated co-accused Rahul has already been granted concession of regular bail vide order dated 20.1.2023 (Annexure P-2).

Present petition is contested by the State counsel who submits that 7 persons named in the FIR accompanied by 10-15 unidentified persons caused injuries to complainant-Gaurav; that the petitioner was one of those unidentified persons and his name surfaced in the disclosure statement made by co-accused and thereafter, he was arrested. However, the State counsel has not disputed the fact that the petitioner is in custody for the last 1 year and that no weapon was recovered from his possession. He further apprised the Court that after completion of investigation, challan has been presented and the trial is at its initial stage.

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

Admittedly, the petitioner was not named in the FIR and was arraigned as accused on the basis of the disclosure statement made by co-accused and is in custody for a period of last one year and during investigation, no objectionable article was recovered from possession of the petitioner. Admittedly, the trial is at its initial stage and it will take considerable time to terminate and similarly situated co-accused is already given benefit of regular bail by this Court vide order Annexure P-2. So, 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

April 17, 2023
Paritosh Kumar

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