

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11606 of 2023
Date of Decision:- 12.04.2023

Santosh Kumar

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. N.K. Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

Prayer is for grant for regular bail to the petitioner in case having FIR No.336 dated 21.03.2022, registered under Sections 147, 148, 149, 285, 323, 341, 379-B, 427 and 506 IPC and Section 25 of Arms Act (Sections 307, 325, and 294 IPC added later on), Police Station Hisar Sadar, District Hisar.

Counsel for the petitioner inter alia contends that the petitioner was not named in the FIR and later on, named as accused on the basis of the disclosure made by co-accused Sumit and was arrested on 22.4.2022. He further submits that one wooden danda is

stated to have been recovered at the instance of the petitioner and presently, he is lodged in judicial custody and after completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude; that even similarly situated co-accused Rahul has been granted benefit of regular bail by this Court vide order dated 20.1.2023 (Annexure P-2). So, prayer is made that the petitioner be released on regular bail.

Present petition is contested by the State counsel who submits that 7 persons named in the FIR along with 10-15 unknown persons caused injuries to complainant-Gaurav. He further submits that the petitioner was one of those unidentified persons and his name surfaced in the disclosure statement of co-accused Sumit and consequently, he was arrested on 22.4.2022 and one wooden danda was recovered at his instance. State counsel has not disputed the fact that after completion of investigation, the police presented the challan but till date no prosecution witness has been examined.

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 Sumit and was arrested on 22.4.2022. Only one wooden danda is stated to be recovered by the police at the instance of the petitioner during the investigation. There are no specific allegations appearing on the record against the petitioner. Further,

after conclusion of investigation, the police has presented the challan and it will take considerable time for the trial to terminate. Furthermore, co-accused Rahul has been enlarged on regular bail vide order Annexure P-2 passed by this Court. 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.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

12.04.2023
P. Chawla

(KARAMJIT SINGH)
JUDGE

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