

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M-13046-2023

Date of Decision: 11.05.2023

Himmat

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 272 dated 21.08.2021 registered under Sections 148, 149, 323, 506, 302 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Narnaul, District Mahendergarh.

2. Brief facts of the case are that the FIR was registered on the basis of statement made by complainant Virender Singh wherein he had stated that he is resident of village Bhushan Kalan and is a farmer by profession. He had constructed his house about 15 years ago after purchasing land at the Firni of the village due to which accused Somdutt, Ravi, Pawan residents of village Bhushan Kalan and Himmat resident of village Seka are inimical towards him. On 21.8.2021 at about 3.30 P.M. co-accused Sandeep son of Ashok made a telephone call to him inviting him to consume liquor. He refused the same. At about 5.30 P.M. he

reached at Bhushan Kala-Mandhana Road and Somdutt, Ravi, Pawan, Himmat and Lila Ram armed with iron rods, pipes and sticks came in a Bolero vehicle and attacked him. When the passersby stopped for his rescue, the accused persons also threatened them with dire consequences. Somehow he made a telephone call to his son, who alongwith Ambulance reached at the spot and got him admitted at the Govt. Hospital, Narnaul. On the basis of this statement, offences punishable under sections 148, 149, 323, and 506 IPC were made out and matter was investigated. On 31.08.2021 injured complainant-Virender Singh died during his treatment at Batra Hospital, Delhi. On the opinion of doctor, Section 302 IPC was added in the FIR. Section 120B IPC was also added in the FIR.

3. Learned counsel, *inter alia*, contends that petitioner has been falsely implicated in the present case. He was not named in the FIR. In his statement, the complainant/deceased has not levelled any allegations against the petitioner. No injury has been attributed to the petitioner. As per investigating agency petitioner was not present at the sport rather, he was involved in hatching a criminal conspiracy. There is no eye-witness of the incident. The petitioner is in custody since 23.05.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely, Sandeep and Vikash Yadav, have already been granted concession of regular bail by this Court vide orders dated 26.07.2022 and 07.02.2023 (Annexures P-13 and P-15, respectively). Therefore, the petitioner may also be released on regular bail.

4. On the other hand learned State counsel has vehemently

opposed the present petition on the ground that the petitioner along with co-accused has actively participated in the alleged crime.

5. Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, custody period of the petitioner and the fact that co-accused of the petitioner, namely, Sandeep and Vikash Yadav, have already been enlarged on bail by this Court vide orders dated 26.07.2022 and 07.02.2023 (Annexures P-13 and P-15, respectively), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and petitioner-Himmat, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

11.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No