

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12151-2023

Date of Decision:-17.03.2023

Partap Chauhan.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondents.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishal, Advocate for
Mr. Keshav Pratap Singh, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.140 dated 26.05.2022 under Sections 148, 149, 323, 341, 379-B, 506 IPC (Section 325 IPC added later on) registered at Police Station Saha, District Ambala.

2. The brief facts of the case are that the statement of Naveen Chauhan was recorded to the effect that he was an agriculturist and the Sarpanch of village Bhita. On 25.05.2022 he had gone with his friend Raj Kumar @ Nathi son of Mahavir Singh to Panchkula for work. At about 9.30 pm while they were coming back, 8-10 persons were standing on the road including Partap @ Lucky (petitioner), Vikas @ Sunny, Sandeep and Gagan along with Parveen and Makhan Singh. When they (complainant party) demanded the way for their vehicle to pass by, the accused party did not remove their vehicle. Therefore, his (complainant's) friend Raj Kumar Nathi got down from the car. Then the accused persons started abusing his friend and asked him (complainant) to get out from the car. When the complainant got out from his vehicle, Vikas and Partap attacked him

(complainant) with a sharp edged weapon on his head which struck his eyes and nose. An attempt was made to murder him. Thereafter Sandeep, Partap, Vikas and other accused beat him (complainant) and snatched a gold chain from his neck and while leaving an amount of Rs.50,000/- was taken away. They also broke his phone. Some people from the village came and saved them (complainant party). Based on the said allegations the FIR came to be registered.

3. The Counsel for the petitioner contends that petitioner has been falsely implicated on account of political rivalry. No occurrence as alleged had taken place. In fact the complainant was drunk and started an altercation with the petitioner and his co-accused and it was a case of sudden fight. No valuable articles had been snatched at the time of occurrence. As the petitioner was in custody since 02.12.2022 and none of the 16 prosecution witnesses had been examined so far the petitioner was entitled to the concession of bail more so when in the other cases registered against him he has been granted the similar concession. Though 07 such cases are under the Excise Act.

4. The Counsel for the State on the other hand has opposed the bail application contending that the petitioner is the main accused and has caused a grievous injury on the person of the complainant. Therefore, he was not entitled to the grant of bail more so when he had criminal antecedents and was an accused in 07 other cases. He however, admits that all the cases that are pending are under the Excise Act along with the provisions of the IPC and the petitioner has been granted bail in all.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the accused shall be established during the course of the Trial. He is in custody since 02.12.2022 and none of the 16 prosecution witnesses have been examined so far. His co-accused have been granted the concession of anticipatory bail as is evident from Annexure P-6, P-9, P-10. Therefore, no useful purpose would be served by keeping the petitioner incarcerated.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Partap Chauhan** son of Sh. Brij Pal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.
10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
11. If the petitioner or any of his family members/associates make any attempt to contract/threaten/intimidate the witnesses in the present case,the State would be at liberty to move an application for cancellation of bail granted vide this Court.
12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 17, 2023
Vinay

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