

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226-CRM-M-12472-2023

Date of Decision: 20.03.2023

HEMANT GIRI @ ANKIT

... Petitioner

VS.

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Sheoran, Advocate for
Mr. Sanpreet Sandhu, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.37, dated 23.01.2023, under Sections 395, 452, 427, 506 of the IPC and Section 25 of the Arms Act, registered at Police Station Gandhi Nagar, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as a counter-blast against the incident, which allegedly occurred between the complainant party and friends of the petitioner, on the marriage of one Rishu Rohilla. He further contends that even in the CCTV footage, the petitioner cannot be seen and apart from that, there is no attribution of any specific injury upon the petitioner and there is an inordinate delay in the lodging of the present FIR inasmuch as, the incident occurred on 22.01.2023 at about 10:40 p.m. and the FIR was got registered on 23.01.2023 at 07:16 p.m.

Notice of motion.

On the asking of the Court, Mr. Ashok Kumar Sehrawat, DAG Haryana accepts notice. Vakalatnama filed by Mr. Namit Khurana, Advocate on behalf of the complainant, is taken on record.

Learned State counsel has filed custody certificate dated 19.03.2023, according to which, the petitioner has undergone 1 month and 22 days of actual custody. He further submits that though the petitioner could not be seen in the CCTV footage, but as far as his role is concerned, he has actively participated in the illegal assembly of his friends and, therefore, does not deserve the concession of regular bail.

In the light of the fact that no injury or no specific role has been attributed against the petitioner and admittedly, the petitioner could not be seen in the CCTV footage and also the fact that there is delay of almost 24 hours in lodging the FIR and also taking into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

20.03.2023

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No