

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 228

CRM-M-12810-2023

Date of Decision:-09.05.2023

ANIL @ MOTA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

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

Mr. Naveen Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.336 dated 21.03.2022 under Sections 147, 148, 149, 285, 323, 341, 379-B, 427 and 506 of IPC, 1860 and Section 25 Arms Act, 1959 but during investigation Sections 307, 325 and 294 of IPC, 1860 has been added registered at Police Station Hisar Sadar, District Hisar.

2. As per allegations appearing on record, complainant-Gaurav Punia got recorded his statement with the police as on 18.03.2022 that he along with Yashdeep Sharma was going in his Scorpio vehicle bearing No.HR76-B-0026 which was being driven by Pawan and when they turned towards BHP colony, Rohit, Sumit @ Samiti, Anil @ Mota, Sumit's paternal uncle Shubham, Vishnu, Vishnu's brother accompanied by Pardeep and 15-20 other boys armed with rods, gandas, axes etc. were standing there and Amit and Rohit exhorted others that Gaurav should not escape and be taught a lesson for being a witness against them. Then all the said persons suddenly came in front of the vehicle of

the complainant, on which, Pawan stopped the same and got down and

ran away. Sumit and his companions took out the complainant and Yashdeep from the vehicle and then Sumit hit axe on the head of Gaurav while Rohit also caused injury on his right arm with a *chand*. The aforesaid accused also inflicted injuries on different parts of his body and they also attacked Yashdeep. Sumit anatched gold chain while Rohit and Vishnu snatched Rs.25,000/- from the pocked of the complainant and they also damaged the vehicle and Anil also fired pistol shot in order to create fear.

3. Counsel for the petitioner *inter alia* contends that indeed the petitioner was named in the FIR and is in custody since 16.04.2022 and is having no criminal history. He further submits that during investigation, one wooden danda is stated to have been recovered at the instance of the petitioner. Counsel for the petitioner further submits that no serious or grievous injury is attributed to the present petitioner and other co-accused Rahul, Aman, Manish @ Kala have already been granted bail vide orders Annexures P-2 to P-4. Counsel for the petitioner further submits that it will take considerable time for the trial to conclude and thus, prayer is made for releasing of the petitioner on regular bail.

The present petition is contested by the State counsel by submitting that the petitioner was named in the FIR along with six other persons and was arrested on 16.04.2022 and from whose possession, one wooden danda was got recovered.

4. Learned State counsel on instructions from ASI Krishan has not disputed the fact that no injury covered under Section 307 IPC is

attributed to the present petitioner and further the trial is at initial stage as till date no prosecution witness has been examined.

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

6. No doubt the petitioner was named in the FIR but no specific injury is attributed to the petitioner who is stated to be armed with wooden danda at the time of occurrence and the recovery of said weapon has already been effected and the petitioner is in custody since 16.04.2022 and it will take considerable time for the trial to conclude. In the given circumstances, no purpose is going to be served by keeping the petitioner behind the bars for any longer period.

7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

09.05.2023
yogesh

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No