

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13786-2023
Date of Decision:-**03.05.2023**

ANKUSH ALIAS KALA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.336 dated 21.3.2022 registered under Sections 147, 148, 149, 285, 323, 341, 379-B, 427, 506 IPC and Section 25 of Arms Act (Sections 307, 325 and 294 IPC added later on) at Police Station Sadar District Hisar.
2. As per allegations appearing on record, complainant-Gaurav Punia got recorded his statement with the police as on 18.3.2022 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, gandasis, 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 snatched gold chain while Rohit and Vishnu snatched Rs.25,000/- from the pocket of the complainant and they also damaged the vehicle and Anil also fired pistol shot in order to create fear

3. The counsel for the petitioner submits that the petitioner was not named in the FIR and nominated as accused on the basis of alleged disclosure statement made by Sumit and thereafter the petitioner was arrested on 30.3.2022 and he is having no criminal history. The counsel for the petitioner further submits that the trial is not progressing ahead despite the fact that charges are framed. The counsel for the petitioner further submits that similarly situated co-accused Rahul and Aman are already granted concession of regular bail by this Court vide Annexures P-2 and P-3.

4. The present petition is resisted by the State counsel, who submits that 7 persons were named in the FIR along with 10-15 unknown persons, who caused injuries to Gaurav. He further submits that the petitioner was one of those unidentified persons and was nominated as accused on the basis of disclosure statement of Sumit and he was arrested and *Gandasi* was recovered at the instance of the petitioner. However, the State counsel on instructions from ASI Krishan has not disputed the fact that no specific injury has been attributed to the petitioner and that the petitioner is in custody for the last 1 year and 1 month and after completion of investigation challan stands presented and charges are also framed, but till date, no prosecution witness has been examined. The State counsel has also not disputed the fact that co-accused Rahul and Aman are already enlarged on bail vide orders Annexures P-2 and P-3.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly the petitioner was not named in the FIR and was arraigned as accused on the basis of disclosure statement made by co-accused Sumit and then the petitioner was arrested and is behind the bars for the last more than 1 year and 1 month and the petitioner is having no criminal history. Admittedly, as per the prosecution, one *Gandasi* was recovered at the instance of the petitioner during investigation and no specific injury has been attributed to the petitioner. Further after conclusion of investigation, police presented challan but trial is yet to commence. Furthermore co-accused Rahul and Aman, who were not named in the FIR have also been granted concession of regular bail

vide orders Annexure P-2 and Annexure P-3. It will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite 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.

03.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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