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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15339-2023
DECIDED ON: 10.04.2023

VIKRAM @ ANDA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Dinesh Sharma, Advocate,
Mr. Manoj Sharma, Advocate and
Mr. Nikhil Mittal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.37 dated 23.01.2023 under Sections 395, 452, 427, 506 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Gandhi Nagar, District Yamuna Nagar, Haryana.

Learned State counsel has produced the custody certificate of the petitioner in the Court and the same is taken on record.

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 specific or any injury has been attributed to the petitioner. It has been further asserted that there is inordinate delay in

22.01.2023 at about 10.40 PM, whereas the FIR was got registered on 23.01.2023 that too at 7.16 PM.

Mr. Namit Khurana, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama and submits that there is distinction between the role of the petitioner and the other co-accused persons, who have been granted the concession of interim bail by this court, as the present petitioner was seen in the CCTV footage, however, the other co-accused persons namely Anant Kumar, Shubham Giri @ Sonu Giri, Vishal @ Malinga and Heman Giri @ Ankit, who have been granted the concession of interim bail by this Court, were not seen in the CCTV footage.

Learned State counsel though is not in a position to corroborate the said assertion raised by the learned counsel for the complainant.

Be that as it may, in the light of the fact that no injury or no specific role qua the petitioner is coming-forth from the perusal of the FIR and ther is delay of almost 24 hours in lodging the FIR added with the fact that the other co-accused have been granted the concession of regular bail by this Court, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

10.04.2023
pchawla

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>