

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-16682-2023
Date of Decision: 17.04.2023

Ram Singh @ Tinku

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.346 dated 17.12.2022 (Annexure P-1) registered under Section 392 & 394 of the Indian Penal Code, 1860 at Police Station Chhappar, District Yamuna Nagar.

Brief facts of the case are that on 15.12.2022, a telephonic information was received in the police station from CHC, Barara regarding admission of injured Sandeep son of Shri Ramesh Kumar on account of injuries sustained by him in a fight and injured had been referred to Civil Hospital, Ambala City. On 16.12.2022, Sub Inspector Dalbir Singh along with Sub Inspector Jaswinder Singh reached CHC Barara and obtained MLR of injured in which four injuries were found to be mentioned. Sub Inspector Dal Singh called injured who told that he had come to Ambala for conducting X-ray and C.T.Scan and he would suffer statement on next day. On 17.12.2022, Sub Inspector Dal Singh along with Sub Inspector Jaswinder Singh were present at Bus Stand, Chhappar in connection with patrolling when Sandeep Partap Singh met and presented an application to the effect that he is a doctor

by profession. On 15.12.2022, he was going to village Saran to meet his friend Lucky on motorcycle bearing registration No.HR-54D-8280. At about 8.00 PM, when he reached at village Saran near Johar, three boys who were standing near the vacant space all of a sudden came in front of his motorcycle and stopped him. All the accused were carrying iron rod. One boy snatched his gold chain and all of them started giving him beating with iron rods. They also tried to take out cash amount and mobile from his pocket. He caught hold of his pocket with his hand. On this, two of assailants gave saria(iron rod) blow on his head. Blood started oozing out of the same. One of the assailant by calling name of other assailants as Laalu and Tinku asked them not to inflict injury on complainant's head as it might cause his death, then one of those two boys by calling first boy by name of Kala said that complainant is not leaving his pocket. Due to infliction of injury on his head, complainant left his pocket. Accused snatched Rs.22,500/- and two phones one Samsung containing sim No.7056371184. In the meantime, two other assailants also came at the spot who also gave blows with tiles upon his head. Thereafter, accused fled away from the spot along with their respective weapons. On these allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as initially the FIR was registered against the unknown persons and he has been nominated on the disclosure statement of co-accused since, nothing has been recovered from the petitioner and in pursuance of disclosure statement accused Rahul @ Kala got recovered Rs.1500/- and danda used in offence. He further submits that accused Pawan Kumar @ Lalu got recovered one mobile and saria used in offence. Other accused co-accused, namely, Sunny Rana has already been granted regular bail vide order dated 16.03.2023 from the Court of Sessions and the role of the

petitioner is at par with the said co-accused. Learned counsel for the petitioner further submits that he is in custody since 08.02.2023 and the challan has already been presented on 14.03.2023. However, charges are yet to be framed and prays for granting regular bail.

On the other hand, learned State Counsel on instructions from SI Dal Singh has opposed the aforesaid prayer on the ground that the petitioner has actively participated in the crime. However, he does not dispute that the co-accused of the petitioner has already been granted regular bail by the trial Court and challan has been presented.

Considering the above background, and the fact that the co-accused has already been granted regular bail and that challan has been presented, however, the charges are yet to be framed and the trial is yet to commence, further detention of the petitioner may not be necessary for any useful purpose.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

17.04.2023
sapna

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No