

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-17714 of 2023

Date of Decision:20.07.2023

Sunil

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

Ms. Gurmeet Kaur Dhillon, Advocate,
for the complainant

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0315 dated 13.09.2022, under Sections 120-B, 307, 436, 34 IPC, registered at Police Station Julana, District Jind.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 14.11.2022. He submitted that after completion of the investigation, final report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court and the charges are yet to be framed. He submitted that the petitioner has been falsely implicated in the present case by way of a concocted story and as per the allegations, there was a money dispute between

the complainant and the petitioner due to which as per the allegations, when the complainant had gone to the house of the petitioner then kerosene was poured upon them and they suffered burn injuries. He submitted that in fact even otherwise also the petitioner also suffered burn injuries and it is yet to be determined at the time of trial as to who was the aggressor party and who acted in self-defence. He further submitted that the petitioner is not involved in any other case and has clean antecedents and the trial of the case may take long time and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 14.11.2022 and now the investigation of the case has already been completed and now the case is fixed for consideration on framing of the charges. So far as the criminal background of the petitioner is concerned, to which he stated, on instructions, that he is not involved in any other case. He, has however, opposed the grant of bail to the petitioner on the ground that as per the allegations, the petitioner and his family members had poured kerosene on the complainant party due to which they suffered burn injuries.

4. Ms. Gurmeet Kaur Dhillon, learned counsel appearing on behalf of the complainant and has also filed her power of attorney, which is taken on record. She opposed the grant of bail on the ground that the petitioner alongwith his family members are still threatening the complainant party.

5. I have heard learned counsel for the parties.

6. This Court at the outset had put a query to learned counsel appearing on behalf of the complainant regarding the apprehension expressed by her that the

petitioner was threatening the complainant, as to what was the material with her to substantiate her arguments and as to whether the complainant has ever reported to the police with regard to the aforesaid threat to which she stated that no such report was given to the police. This Court is of the view that the apprehension expressed by learned counsel for the complainant is without any basis at least at this stage. The prayer in the present case is made for grant of regular bail to the petitioner and the petitioner is already in custody from 14.11.2022 and he is not involved in any other case and has clean antecedents as per learned counsel for the parties and the trial of the case may take long time. Therefore, In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 20, 2023
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No