

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.104

CRM-M-19929-2023

Date of decision: 19.05.2023

Ram Sunder

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jaspreet Saini, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Lalit Sharma, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.392 dated 27.11.2022 registered under Sections 323, 324, 379-B, 307 and 34 IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Ballabgarh Sadar, District Faridabad.
2. The petitioner and his co-accused are being prosecuted for having caused injuries to Mohit and Yogesh which includes an injury to Mohit attracting the applicability of Section 307 IPC.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; the petitioner is in custody since 26.03.2023; investigation in

the case is complete and therefore, the petitioner is in no position to influence the same; the complainant has made a supplementary statement to the police giving a clean chit to the petitioner; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the injury on Mohit, which has attracted the applicability of Section 307 IPC, is not attributed to the petitioner; in the FIR, the petitioner was not even named; the petitioner's name cropped up for the first time in the 1st supplementary statement of the complainant which clearly shows that he has been implicated as an afterthought and that in the light of the afore submissions no useful purpose would be served in the petitioner's custodial interrogation.

4. Learned counsel for the complainant acknowledges the fact that a supplementary statement has been made by his client to the police giving a clean chit to the petitioner.

5. Learned State counsel opposes the petition.

6. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

7. The petitioner is in custody since 26.03.2023; the petitioner has no other criminal antecedents; investigation in the case is complete and therefore, the petitioner is in no position to influence the same; the petitioner was not named in the FIR; his name has cropped up in the 1st supplementary statement of the complainant from which the complainant has now back tracked; the injury attracting the applicability of Section 307 IPC is not attributed to the petitioner; the petitioner is attributed only simple injuries and that the petitioner's trial, as and when it begins, is likely to take

a long time to conclude.

8. Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridabad the petitioner is directed to be released on bail.

9. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

May 19, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No