

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22760-2023
Date of decision: 11.05.2023

Surjit ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.02 dated 07.01.2023 under Sections 148/149/323/379B/452/506 of IPC, 1860 registered at Police Station Nighdu, District Karnal.

2. The brief facts of the prosecution case are that complainant Ankush is a Motor Mechanic and according to him, Gandhi had called him through telephone outside his house around 8:00 PM on the pretext of some work at Pastana Road. Accordingly, the complainant reached there and found present Gandhi alongwith Sunil son of Biragu, (petitioner-Surjit son of Mani Ram), Sonu blacksmith and two other persons who could not be recognized due to darkness. All aforesaid persons deadly assaulted him and therefore, he received multiple and several severe injuries. They also snatched his ₹7,000/- and his mobile phone worth ₹25,000/-. The complainant and his family members further received threats from the abovesaid persons as they intended to kill them. The complainant also appended his medical report along-with his complaint and it resulted to registration of instant FIR.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that co-accused namely Sonu has been granted the concession of regular bail by the Court of Ld. Additional Sessions Judge, Karnal vide order dated 02.03.2023 (Annexure P-2). He further submits that the matter has been compromised vide statement/affidavit dated 29.04.2023 (Annexure P-3). He further submits that investigation in the present case is complete; challan has been presented; charges are yet to be framed and there are total 11 prosecution witnesses who are yet to be examined and the petitioner is in custody since 18.01.2023. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that petitioner is involved in another case FIR No.172 dated 17.06.2022 under Sections 160/283 IPC, registered at Police Station Nigdhu, District Karnal. However, he could not dispute that co-accused namely Sonu has been granted the concession of regular bail by the Court of Ld. Additional Sessions Judge, Karnal vide order dated 02.03.2023 (Annexure P-2); investigation in the present case is complete; challan has been presented; charges are yet to be framed and there are total 11 witnesses who are yet to be examined and the petitioner is in custody since 18.01.2023.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 03 months 23 days; co-accused has already been granted concession of regular bail by the Court of Ld. ASJ, Karnal; matter has been compromised; investigation is complete; challan has been presented; charges are yet to be framed and there are total 11 witnesses who are yet to be examined and trial is likely to take a

considerable time.

7. Resultantly, without meaning 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 trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

11.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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