

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

243

CRM-23604-2023 in /and
CRM-M-22718-2023
Decided on : May 31, 2023

VISHAL

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Surinder Singh Virk, Advocate
for the applicant-petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

NAMIT KUMAR, J. (Oral)

Prayer in the present application filed under Section 482 Code of Criminal Procedure, 1973 is for preponment of the main case i.e. CRM-M-22718-2023 to an early date, which is pending for 10.07.2023.

In view of the averments made in the application, the same is allowed and the main case, is preponed and taken on board for today.

Disposed of.

CRM-M-22718-2023

1. By way of filing the instant petition under Section 439 of Cr.P.C. , the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.914 dated 22.11.2022, under Sections 148/ 149/ 323/ 324/ 506 of IPC, registered at Police Station Panipat City, District Panipat.

2. As per the FIR, facts leading to filing of this petition are that on 21.11.2022, an information was received from Control Room, Panipat regarding

admission of one Prince son of Sanjay in Artios Hospital, Panipat after having injured in a quarrel. On receipt of this information, ASI Dharmender alongwith other police official reached at the hospital and moved an application seeking opinion of the doctor regarding fitness of the injured, upon which concerned doctor opined injured Prince as unfit to make statement. Thereafter, on 22.11.2022, ASI Dharmender again visited the hospital and moved application seeking opinion of the doctor, upon which concerned doctor opined injured Prince as fit to make a statement. Thereafter, injured Prince presented an application alleging therein that on 20.11.2022, at about 6.30 pm, he received a telephonic call from Mohit resident of Dadola and called him near the overpass of drain, upon which he alongwith his brother Sachin and friends Rohan and Sumit reached there. Then 15-20 boys came from their back side while carrying lathis, dandas, gandasi and other weapons and they attacked upon them from their back side with lathis, dandas and sword. The accused persons gave sword blows to him on his head and ear, due to which he fell down and then they caused injuries on his legs and hands. He sustained severe injuries. His brother also sustained injuries. However, his friends fled from the spot. On seeing the public coming on the spot and presuming him as dead as huge blood came out, the accused persons fled from the spot and while leaving, they extended threat with dire consequences. The complainant also mentioned the names of the accused persons as Vishal, Mohit, Robin, Aman, Vipin (petitioner) and he can identify the remaining persons, if produced before him. He also produced his MLR before the police. On the basis of this complaint, a case under Sections 148, 149, 323, 324 and 506 of IPC was registered. Investigation proceedings were initiated. Treatment record of injured Prince was obtained from the hospital and the opinion of the concerned doctor regarding nature of the injuries was also obtained. Thereafter, offences under

Sections 325 and 307 of IPC were added. On 12.01.2023, co-accused Ritesh, Robin, Vishal were joined in the investigation and subsequently, were arrested in this case. During interrogation, they suffered disclosure statements admitting their involvement in the subject crime. Accused Robin and Ritesh got recovered dandas allegedly used in the subject crime and the same were taken into police custody. Investigation is still going on.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the present case with an ulterior motive. He further submits that the petitioner is a student of Advanced Diploma in Vocation 'Interior Designing' (Semester-4)" and his exams are scheduled to be held on 28.06.2023. He further submits that no injury has been attributed to him and nothing is to be recovered from the petitioner. He further submits that it would be a matter of trial that which of the accused has given specific injury to the complainant/injured-Prince, as five persons have been nominated as accused on the basis of statement of the complainant, who also stated that others can be identified. He further submits that initially the FIR was registered under Sections 148, 149, 323, 324 and 506 IPC and the petitioner had already joined the investigation but later on Sections 325 and 307 IPC have been added by the police. He submits that petitioner is in custody since 12.01.2023 and not involved in any other case. He further submits that no recovery has been effected from the petitioner; investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 15 prosecution witnesses none has been examined as yet and the case is now fixed before the trial Court on 21.08.2023 for prosecution. He further submits that trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further 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. However, he could not dispute that the petitioner is not involved in any other case; no recovery has been effected from him; investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 15 prosecution witnesses none has been examined; the petitioner is in custody since 04 months and 18 days and his exams are due on 28.06.2023.
5. I have heard learned counsel for the parties and perused the record.
6. Keeping in view the custody of the petitioner, which is more than 4 ½ months; investigation is complete; *Challan* has been presented; charges have been framed and out of 15 prosecution witnesses none has been examined; no recovery has been effected from the petitioner; exams of the petitioner are due on 28.06.2023 and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner - Vishal is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.
7. The petition stands disposed off accordingly.

May 31, 2023

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(NAMIT KUMAR)
JUDGE

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