

CRM-M-25158 of 2023

2023:PHHC:076225

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

CRM-M-25158 of 2023

Date of decision: 25.05.2023

Mukesh Kumar @ Vicky

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vazir Singh Mor, Advocate, and
Ms. Harmanpreet Kaur (Simmi), Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

NAMIT KUMAR, J.

1. Petitioner has filed the instant petition under Section 439 Cr.P.C seeking regular bail in a case FIR No.209 dated 25.08.2022 under Sections 147/149/295-A/323/341/379-B/452/506 IPC, 1860 registered at Police Station Sadar Tohana, District Fatehabad.

2. The case of the prosecution is that FIR was registered on the complaint of Gurnam Singh son of Hardeep Singh, Resident of Chader Kalan, Tohana. Complainant asserted in the complaint that complainant used to get sweets etc. prepared for marriage and other family program from Satta Halwai and now a few days ago, complainant got twin grand-daughters and on account of happiness on account of birth of aforesaid grand-daughters, complainant had organized a program in his house. Complainant further asserted in the complaint that in the aforesaid program, complainant called other Halwai, due to which aforesaid Satta Halwai started keeping animosity with complainant and on 25.08.2022, school students and parents had staged

CRM-M-25158 of 2023

2023:PHHC:076225

a *Dharna* (Protest) in front of the school of Village Chandad Kalan and complainant was going to his field from his house and then complainant got stood for some time on the shops near *Dharna* site, then Satta and his aforesaid other associates by taking the advantage of *Dharna* started abusing the complainant on the issue of money transaction and also started beating complainant and Satta Halwai by holding the beard of complainant, torn it and complainant's family members also came to know about this incident. Complainant further asserted in the complaint that upon which complainant's son Prem Pal hurriedly took out complainant's 12 bore licensed gun kept in the house, came on the motorcycle no.HR-23-F 2963 for complainant's security and accused Vicky (present petitioner) son of Kala and Prem caught hold of complainant's son and all the accused persons started beating him with *lathies* and *dandas* and after making him injured, accused Prem snatched motorcycle from complainant's son and accused Vicky Son of Surjit also snatched complainant's licensed gun. Complainant further asserted in the complaint that complainant's licensed gun and motorcycle are in possession of the accused persons at the spot and the accused persons attacked on complainant and complainant's son with *lathies* and *dandas*. Complainant further asserted in the complaint that they saved life after running to their house from the spot and the accused persons also followed them upto their house and attacked on complainant & complainant's family members from rear side with bricks and stones and forcibly by entering in their house attacked them with bricks, stones, *lathies* and *dandas* and also misbehaved with their ladies. Complainant further asserted in the complaint that accused persons have openly threatened them that this time complainant

has been escaped from their hands and if they again got opportunity, then they would stop only after killing complainant and his family.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. No specific role has been attributed to the petitioner. He is in custody since 23.11.2022; investigation is complete; challan has been presented; charges are yet to be framed; the trial is likely to take considerable time to conclude and no fruitful purpose would be served by detaining the petitioner further behind the bar. He further submits that the petitioner is not involved in any other case and therefore, he may be released on regular bail. He further submits that co-accused of the petitioner, namely, Bansilal has been granted regular bail by this Court vide order dated 24.03.2023 passed in CRM-M-1007 of 2023.

4. *Per contra*, the learned State counsel has opposed the grant of bail of the petitioner by stating that in view of the allegations levelled in the FIR, the petitioner is not entitled for grant of bail, however, he could not dispute the fact that he is in custody since 23.11.2022; investigation is complete; challan has been presented; charges are yet to be framed and the fact that the trial is likely to take considerable time to conclude.

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

6. Keeping in view the custody period of the petitioner which is 06 months and 02 days; investigation is complete; challan has been presented; charges are yet to be framed and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

CRM-M-25158 of 2023

2023:PHHC:076225

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 stand disposed of.

25.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No