

2023:PHHC:078591

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

CRM-M-26646-2023

Date of Decision: 30.05.2023

RAJU @ RAJU TOMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shiv Kumar, Advocate, for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 57 dated 23.01.2023 under Sections 323/365/379-B/506/34 IPC (Sections 147/149/201/377 IPC added later on and Sections 379-B and 34 IPC has been deleted) registered at Police Station Sector-58, Faridabad .
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that the allegations have been levelled against 11 persons to the effect that they had inflicted injuries on the various body parts including private parts of the complainant, wrongfully confined him and also snatched his hard disk relating to his work and Rs.2,000/-. Six persons have been declared to be innocent and four co-accused have been granted pre-arrest bail by the Court of Session. The present case has been lodged by the complainant as a counter blast to FIR No.18 dated 14.01.2023 under Sections 363 and 366-A IPC registered at Police Station Saran, District Faridabad. The said case has been registered against the complainant of the instant case for kidnapping 17 years daughter of Anil, co-accused. The petitioner is in custody for a period of 04 months and 06 days. Though, he is involved in another case registered in U.P. but is on bail in that case.

4. Learned State counsel has opposed the bail application on the score that there are specific and categoric allegations against the petitioner and he is arraigned as an accused in another case registered in U.P. Though, the FIR in the said case was registered under Sections 395/307/452/323/504 and 506 IPC but the challan has been presented under Sections 147/148/149/323/504 and 506 IPC. It has not been disputed that the petitioner is on bail in that case.

5. It is significant to note that the Court of learned Additional Sessions Judge has dismissed the bail application of the petitioner primarily on the score that the petitioner is a habitual offender and in the event he is granted bail, he may threaten the witnesses. However, It has not been disputed that except the aforesaid one case registered in U.P., the petitioner is not involved in any other case and is on bail in that case. The copy of the MLR also indicates that there was no injury in the anal area of the complainant. The injuries on his person are stated to be simple in nature. The co-accused are on bail. The investigation of the case is complete and challan has been presented. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

30.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No