

2023:PHHC:084200

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-30790 of 2023

Date of Decision: July 05, 2023

Ravi and another

...Petitioners

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ritesh Kumar, Advocate for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present petition under Sections 439 Cr.P.C. with a prayer to grant regular bail in FIR No. 569 dated 22.12.2022 under Sections 307, 323, 325, 506 and 34 IPC, Police Station Kheripul, District Faridabad.

2. The FIR in the present case was registered on the basis of complaint made by Satyam Singh son of Ram Parshad, who alleged that on 02.11.2022, he came from Gujarat to his house situated at Gadda Colony Neharpur, Faridabad. At about 10.00 p.m., on 04.11.2022, both the petitioners met him and asked him to consume liquor with them. When they reached near Radha Krishan Temple, Vijay petitioner No. 2 hit him with something on his head and Ravi petitioner No. 1 held him down by catching his neck and hit his face with a stone. By presuming him to be dead, he was left at the spot and

both of them went away from there. Some unknown persons shifted him to hospital.

3. As per the averments made in the present bail application, it has been mentioned that the present petitioners were falsely implicated in the present case. In fact, both the petitioners and complainant were friends and had no enmity with each other and were working in the same company as security guards. In fact, on the date of occurrence, the complainant was heavily drunk and due to the influence of liquor, his foot slipped and he suffered injuries. The investigation in the present case is complete and the trial is at an advance stage. Apart from that, the testimonies of PW1 Satyam Singh, injured/complainant and PW2 Shashi, his mother has also been annexed as Annexure P-4. It is apparent from the record that Satyam Singh injured as well as his mother Shashi have turned hostile and did not support the case of the prosecution. Both the petitioners are in custody since 26.01.2023.

4. The learned State counsel has vehemently opposed the present petition by contending that specific role has been attributed to both the petitioners and they did not deserve the concession of bail by this Court.

5. I have considered the submissions made by the petitioners in their bail petition and also heard the learned State counsel.

6. It is not in dispute that both the petitioners were arrested in the present case on 26.01.2023 and both the material witnesses have turned hostile. Since only the official witnesses are yet to be examined, the petitioners are not in a position to influence the prosecution witnesses in any manner.

7. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 05, 2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking
Whether reportable

:
:

Yes/No
Yes/No