

Neutral Citation No.2023:PHHC:128643
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33273 of 2023
Reserved on: 03.10.2023
Pronounced on: 04.10.2023

Kapil Chauhan	Vs.	Petitioner
State of Haryana		Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

Ms. Priya Sharma, Advocate, for the complainant.

DEEPAK GUPTA, J. (Oral)

Prayer in this petition filed under Section 439 Cr. PC is for grant of regular bail in case FIR No.229 dated 05.04.2023 registered under Sections 323, 342, 325, 365, 506 and 34 IPC (Section 148, 149, 379-B, 307 IPC were deleted; and Section 34 & 325 IPC added later on) at Police Station Sadar Thanesar, District Kurukshetra.

2. FIR was lodged on the complaint of Jatin Goyal, married to Megha Chauhan in the year 2012. Petitioner is brother of Megha Chauhan, i.e., brother-in-law of the complainant. It is alleged that on 04.04.2023 at about 10:30 PM, complainant was present in his car at Annapurna Dhaba, Pipli, when his three brothers-in-law, Abhishek Chauhan, Shantanu Chauhan and petitioner – Kapil Chauhan came there, thrashed him with dandas/ bindas, forcibly kidnapped him, trapped him in their car and took him to House No.500, Sector-5, Kurukshetra belonging to uncle of Megha Goyal. He was confined in a room there. His mobile and ₹50,000 were snatched. He was again given beatings by his wife Megha, her uncle Deep Chauhan, Shashi Chauhan besides Shantanu, Kapil and Abhishek. Shantanu also allegedly hit his head with a screw driver. Jasbir Rana, brother of Shashi also joined other assailants in beating and thrashing him. It was further

alleged that some recording was also made in the voice recording of the mobile of the complainant.

3. It is contended by learned counsel that the petitioner has been falsely implicated. Sections 148, 149, 379B and 307 IPC have been deleted during investigation and the same have been replaced by Sections 325 and 34 IPC. Besides, co-accused Shashi Chuahan, Deep Chauhan, Megha, Suman and Jasbir Rana have been found innocent. It is further contended that complainant had given beatings to his wife Megha Chauhan i.e., sister of petitioner on 05.04.2023 causing three injuries as per MLR placed on record. Matter was reported to the Police vide FIR No.20 dated 04.05.2023. Still further, it is submitted that after investigation, challan has already been filed and that the petitioner is in custody for the last more than four months and all the offences are triable by the Magistrate, and so, he be allowed bail.

4. Learned State Counsel, ably supported by counsel for the complainant, have strongly opposed the bail petition by submitting that as per MLR, as many as 13 injuries were found on the person of complainant Jatin Goyal. However, it is conceded by learned State Counsel that as per the medical opinion, none of the injuries were found to be dangerous to life. It is also conceded by learned State Counsel that allegations qua Section 307 and 379-B IPC were not substantiated during investigation, which was duly verified by the DSP and even the involvement of Shashi Chauhan, Deep Chauhan, Megha, Suman and Jasbir Rana specifically named in the FIR, was not found.

5. Having regard to the afore-said facts and circumstances of the case and the fact that all the offences for which petitioner has been challaned, are triable by the Magistrate; that trial may take time to conclude and that the petitioner is in custody for the last four months and 12 days as

per the custody certificate, with no criminal antecedents, but without commenting anything further on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

October 04, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No