

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

214

CRM-M-37833-2022
Date of decision : 07.02.2023

Vikash Yadav

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.272 dated 21.08.2021 registered under Sections 148, 149, 323, 506, 302 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Narnaul, District Mahendergarh.

The above-said FIR was registered on the basis of statement made by complainant-Virender Singh wherein he has stated that he is resident of village Bhushan Kalan and is a farmer by profession. He had constructed his house about 15 years ago after purchasing land at the Firni of the village due to which accused Somdutt, Ravi, Pawan residents of village Bhushan Kalan and Himmat resident of village Seka are inimical towards him. On 21.08.2021 at about 03.30 P.M. Sandeep son of Ashok made a telephone call to him inviting him to consume liquor. He refused the same. At about 5.30

P.M. he reached at Bhushan Kala-Mandhana Road and Somdutt, Ravi, Pawan, Himmat and Lila Ram armed with iron rods, pipes and sticks came in a Bolero vehicle and attacked him. When the passersby stopped for his rescue, the accused persons also threatened them with dire consequences. Somehow he made a telephone call to his son, who alongwith Ambulance reached at the spot and got him admitted at the Govt. Hospital, Narnaul. On 31.08.2021 injured complainant-Virender Singh died during his treatment at Batra Hospital, Delhi.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner is not named in the FIR. In his statement, the complainant/deceased has not levelled any allegations against the petitioner. No injury has been attributed to the petitioner. During investigation, the police has falsely implicated the petitioner. There is no eye-witness of the incident. The petitioner is in custody since 11.11.2021 and has already undergone an actual sentence of more than 01 year. The petitioner is not involved in any other case. Co-accused Sandeep has already been granted concession of regular bail by this Court vide order dated 26.07.2022. Challan has been presented and charges have been framed. Now, the case is fixed for prosecution witnesses. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has vehemently opposed the present petition on the ground that the petitioner along with co-accused has actively participated in the alleged crime.

Therefore, the petitioner does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, custody period of the petitioner, the fact that he is not involved in any other case and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Vikash Yadav is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

07.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

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