

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36725-2023

Date of Decision: 12.09.2023

Kuldeep Singh

...Petitioner

vs.

State of Haryana

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Dheeraj Narula, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police (HQ), Sirsa has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.259 dated 15.04.2023 registered under Sections 147, 148, 149, 323, 452, 506 of IPC and Section 395, 397 of IPC added later on, at Police Station, City Sirsa, District Sirsa.

3. The FIR in the present case was registered on the basis of the statement made by Lalan Yadav son of Tula Yadav, by alleging that at about 10.50 p.m. on 14.04.2023, he was taking rest in Ambar Hotel and 7-8 unknown persons came there duly armed and attacked on him. During the scuffle, the mobile phone make Vivo of the complainant carrying SIM No.95184-10789 was not found and it had fallen during the fight. He requested for taking legal

action against 7-8 unknown persons and with these broad allegations, the FIR in the present case was registered.

4. Learned counsel for the petitioner submits that the petitioner was not named in the present FIR and no physical description of any of the accused was mentioned in the FIR. However, without collecting any incriminating evidence against him, he was wrongly arrested by the police on 10.05.2023. Learned counsel further contends that there was no previous enmity between both the sides and there was no question of causing injuries to the injured. He further submits that the offences under Section 395/397 have been wrongly added in the present case, just to make the offences graver. Learned counsel further contends that challan has already been presented against the present petitioner and his further custody will serve no meaningful purpose. He further contends that the petitioner is a first offender and deserve the sympathetic consideration by this Court.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against him. She further submits that the petitioner was duly identified by the complainant during the course of investigation.

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

7. It is a matter of record that the petitioner was arrested in the present case on 10.05.2023 and is a first offender. It is also not disputed that the injuries suffered by the complainant were simple in nature and the recovery has already been effected during the course of investigation. There is no other case

against the present petitioner and his further detention would not serve any meaningful purpose.

8. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

12.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No