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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44001-2022
DECIDED ON: 10.04.2023

RAHUL @ THAKAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.140 dated 03.05.2022 under Sections 147, 149, 120-B, 302, 323 and 506 IPC, 1860 (Section 506 has been added later on) registered at Police Station Sector-9A, District Gurugram (Haryana).

Learned counsel for the petitioner contends that the role attributed to the petitioner is that he gave fist and kick blows to the deceased Sumit. Further, it is contended that there were total 10 accused and Vishal @ Vishu is the main accused who had given fatal blows which resulted into the death of the deceased.

Notice of motion.

On the asking of Court, Mr. Ashok Kumar Sehrawat, DAG, Haryana, accepts notice on behalf of respondent-State and produced the custody certificate of the petitioner in the Court and the same is taken on record.

Mr. Aditya Jain, Advocate for the complainant has appeared in

the Court and filed his vakalatnama in the Court which is taken on record.

Learned State counsel argues that it was an altercation which took place admittedly near the tent during the solemnization of marriage and the petitioner gave fist and kick blows to the deceased.

Keeping in view the custody period undergone by the petitioner and the role attributed to the petitioner in any manner whatsoever does not attract Section 302 qua him coupled with the facts that the trial is at initial stage meaning thereby conclusion of trial shall take sufficient long time and this Court is of the opinion that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

In the light of the aforesaid discussions, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.04.2023

pchawla

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>