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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43151 of 2023
Date of decision : 31.10.2023

Karan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. B. S. Saroha, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Present second petition has been filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.22, dated 10.01.2023, under Sections 148, 149, 323, 307 & 506 of Indian Penal Code, registered at Police Station Industrial, Sector 29, Panipat, District Panipat, Haryana.

Brief facts of the case are that Vijay son of Lehna Singh made a statement before the police that on 07.01.2023 at about 06.00 p.m., when he was going to his shop, then one Pradeep bakare wala (goat owner) with his companions Sarfaraj @ Paina, Arjun, Karan (petitioner) and Kaku met him. They all were armed with *Gandasis*. Then Pradeep bakare wala asked him to give Rs.5000-7000/-. He agreed. Then Sarfaraj put his hand in complainant's pocket and they started scuffling with him. He alleged that Sarfaraj hit him with rod held by him, on his back

and Pradeep, Karan (petitioner) and Kaku caught hold him. Thereafter, Arjun with an intention to kill him, hit him with the *Gandasi* on his head and when he fell down, then he was given kicks and fists blows by other accused. He was shifted to the hospital. The request was made to take legal action against the accused. On registration of the formal FIR, investigation commenced. The injured was medically examined and the accused were arrested. The petitioner was arrested in this case on 28.01.2023. The petitioner approached the Court of learned Additional Sessions Judge, Panipat praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge declined the same vide order dated 18.04.2023. Aggrieved by the same, petitioner on earlier occasion approached this Court praying for grant of regular bail by filing a petition bearing **CRM-M No.26576 of 2023**. However, the same was allowed to be dismissed as withdrawn vide order dated 30.05.2023. Hence, the petitioner is before this Court again by way of filing the present second petition.

Learned counsel for the petitioner has vehemently argued that the petitioner has been falsely implicated in this case. He submits that as per the allegations made by the complainant, the injured-complainant was way laid by the accused and all were allegedly armed with the *Gandasis*. He submits that complainant had alleged that the petitioner caught hold him whereas the injury with the *Gandasi* on his head was caused by the co-accused Arjun. He submits that injuries for which the offence under Section 307 IPC has been added, attributed to the co-accused and not to the

petitioner. He submits that though the petitioner has been prosecuted in other three FIRs as well but he is on bail in the same. He submits that mere registration of the other FIRs would not be a ground for rejection of the bail to the petitioner. He submits that investigation in this case is complete and charges are also framed. He submits that once the ocular version is not even medically corroborated, the petitioner deserves to be granted bail.

Per contra, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was a member of unlawful assembly and he has made an overt act wherein he along with his co-accused caught hold the injured. He submits that the petitioner is also involved in other FIRs but he is on bail in the same. He submits that investigation is complete and charges were framed. In all, there are 15 prosecution witnesses, however, none has been examined so far. He submits that in the facts and circumstances of the case, the petitioner does not deserve the grant of bail.

I have heard the learned counsels for the parties and perused the record.

Evidently, the occurrence in question has taken place on 07.01.2023. The complainant, who is injured in this case, has named the petitioner and the co-accused. However, it has been alleged that the petitioner caught hold the injured-complainant and the injuries with the *Gandasi* on his head were caused by co-accused Arjun. The petitioner is behind bars since 28.01.2023. Investigation is complete and charges were

also framed. However, no witness has been examined so far. The petitioner is said to be on bail in other FIRs.

Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

31.10.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No