

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218-CRM-M-47970-2022

Date of Decision: 24.01.2023

Jitender

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramender Chauhan, Advocate for the petitioner

Mr. GS Dhillon, AAG Haryana

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.304 dated 20.05.2022 under Sections 148/149/307/323/324/325/326/341/506 IPC and Sections 25/54/59 of Arms Act, registered at Police Station City Bhiwani, District Bhiwani.

Learned counsel for the petitioner submits that on 15.5.2022, daughter of Rattan Lal came to their house being afraid of her family members. The complainant Sunita mother of Kamal, advised her to go back home and she abided by the advice. However, Rattan Lal along with others started doubting Kamal and started giving him threats. Then on 19.5.2022, at 7.30 p.m. Kamal was travelling on foot, when 4-5 boys armed with knife, sword, bricks attacked him and variously assaulted him. He was later admitted to the hospital accordingly. It is contended that it was only on the basis of suspicion raised against Sunny and his maternal uncle along with Jitu and 2-3 persons that they had given beatings.

Learned counsel for the petitioner vehemently contended that the name of the petitioner is not mentioned in the FIR and there is no material on

record regarding conspiracy or pre-concert of the petitioner. It is averred that the petitioner has been implicated by the complainant only to settle score and the present FIR has been lodged just to harass and humiliate the petitioner. Moreover, no overt act or role has been attributed to the petitioner, who was arrested on 27.05.2022 and thereafter, report under Section 173 CrPC has also been presented by the police wherein nothing has been found to link the petitioner with the alleged incident.

Learned State counsel, on the other hand, prays for an adjournment to file custody certificate despite having availed two opportunities for the said purpose, since the filing of the case on 12.10.2022. He, however, could not dispute the fact that petitioner's name does not find mention in the FIR.

Be that as it may, in view of the fact that no injury or role has been attributed to the petitioner, and also taking into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

24.01.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No