

2023:PHHC:128380

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

283

**CRM M-48577 of 2023
Date of Decision: 04.10.2023**

Sachin

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Naresh Kumar Ganga, Advocate, for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

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

2. 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.

3. Learned counsel for the petitioner contends that the petitioner was not named in the present case and there is no averment in the FIR, which even remotely connects the petitioner with the commission of the crime. He further contends that the petitioner was arrested in the present case on 11.05.2023 and is in custody since then. Even, no offence under Sections 395 and 397 IPC is made out against the present petitioner. He further contends that the similarly placed co-accused Kuldeep Singh has been granted the concession of bail by this Court vide order dated 12.09.2023 (Annexure P-3).

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against him.

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

6. It is a matter of record that the petitioner was arrested in the present case on 11.05.2023 and is a first offender. It is also not disputed that the injuries suffered by the complainant were simple in nature. There is no other case against the present petitioner and his further detention would not serve any meaningful purpose.

7. Without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

04.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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