

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

\*\*\*\*

229

CRM-M-49622-2023  
Date of Decision.:17.10.2023

Deepak @ Dimpi  
Vs.  
State of Haryana

.....Petitioner  
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kartar Singh, Advocate for the petitioner.  
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DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.116 dated 16.02.2017 registered under Sections 148, 149, 341, 307, 427 of the IPC and Section 25 of the Arms Act registered at Police Station City Fatehabad, District Fatehabad.

2. As per allegations of the prosecution, 30-40 young boys were found throwing brickbats upon each other so as to create fear and cause harm. It was found during investigation that petitioner was one of them.
3. Learned counsel contends that the only attribution against the petitioner is to have thrown the brickbats on the opposite party. He is not attributed to have used any weapon. Learned counsel further contends that petitioner is in custody for the last more than 04 years and 01 month.
4. Notice of motion.
5. Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent- State.
6. Custody certificate has been placed on record by learned State counsel.
7. Learned State counsel does not dispute the role which has been

attributed in the crime to the petitioner. However, bail is opposed on the ground of criminal antecedents of the petitioner inasmuch as he is under-trial in one case; has been convicted in 04 cases, though acquitted in 05 other cases.

8. Heard.

9. Although criminal antecedents of an accused is an important factor to be taken into consideration but at the same time role of the petitioner in the present case is quite material. The only role as conceded by learned State counsel is that the petitioner has thrown the brickbats. As per the custody certificate, petitioner is in custody for the last 04 years 01 month and 06 days. It is also informed by learned State counsel that despite the fact that FIR pertains to the year 2017, even the charges have not been framed so far. There is a list of 21 witnesses cited by the prosecution. Thus, trial is likely to take long time to conclude.

10. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

11. However, this bail is subject to an additional condition to the effect that petitioner will not try to contact any of the prosecution witness connected with this case.

October 17, 2023  
Neetika Tuteja

(DEEPAK GUPTA)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |