

2023:PHHC:129661

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM M-49496 of 2023
Date of Decision: 06.10.2023

Vishal

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. Tara Chand Dhanwal, 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 (later on added Sections 395 and 397 IPC) at Police Station City Sirsa, District Sirsa.

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 submits that the petitioner was not named in the FIR and there is no averment in the FIR, which even connects the petitioner with the alleged crime. However, without collecting any incriminating evidence, the petitioner was arrested in the present case on 11.05.2023. He further contends that even no offence under Sections 395 and 397 IPC is made out against the present petitioner. Learned counsel next contends that the challan has already been presented against the petitioner and further custody is not required in the present case. He further contends that the petitioner is a first offender and deserves the sympathetic consideration by this Court. He further contends that the similarly placed co-accused Kuldeep Singh has been granted the concession of bail vide order dated 12.09.2023 passed by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by 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 and his further detention would not serve any meaningful purpose.

7. In view of the above, 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.

06.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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