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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51620-2023
Date of Decision: 06.11.2023

Neeraj alias Neeru

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rakesh Nehra, Senior Advocate assisted by
Mr. Sourabh Bhoria, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Ankit Chahal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.134 dated 08.04.2023, under Section 307 & 34 IPC and Section 21(1) of Mines and Minerals Act and Section 25 of the Arms Act (However charges framed under Sections 307 & 34 IPC and 27 of the Arms Act), registered at Police Station Bilaspur, District Yamuna Nagar.

2. Learned Senior Counsel for the petitioner submitted that the petitioner is in custody for about 6 months and it is a case of version and cross version where some people of the petitioner's side also suffered severe injuries. He further submitted that the other co-accused, namely, Dinesh

Desh, who is the owner of the premises, has already been extended the benefit of regular bail by this Court on 04.10.2023 vide Annexure P-12 and so far as the present petitioner is concerned, he is only a worker of the place and is working as Munshi and therefore, he is not only at parity with the aforesaid co-accused but rather at better footing. He also submitted that the petitioner is not involved in any other case and has clean antecedents and it is yet to be seen at the time of trial as to who was the aggressor party since both the parties have received injuries. He further submitted that the investigation of the case has already been completed and thereafter, charges have also been framed by the trial Court. He submitted that considering the aforesaid factual position and also considering the fact that the trial of the case may take long time, the petitioner may also be considered for grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner has clean antecedents and is not involved in any other case as per the custody certificate, which has been filed in Court today and the same is taken on record. She further submitted that the parity of the petitioner with the aforesaid co-accused is also not disputed. She further submitted that after completion of investigation by the police, the charges have been framed by the learned trial Court which are under Section 27 of the Arms Act as well.

4. Mr. Ankit Chahal, learned counsel for the complainant submitted that the petitioner and the other co-accused are the real culprits as they have attacked the complainant party, and therefore, he does not deserve

the concession of regular bail.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner has faced incarceration for about 6 months and as per the learned counsel for the parties, the other co-accused, namely, Dinesh Desh has already been extended the benefit of regular bail by this Court vide Annexure P-12. As per the learned Senior Counsel for the petitioner, the petitioner was only working as an employee/Munshi and since it is a case of version and cross version and the FIRs have been lodged on the basis of the complaints made by both the parties, it is yet to be seen at the time of trial as to who was the aggressor party. The investigation of the case has been completed and the trial of the case may take long time. As per the learned counsels for the petitioner as well as the State, the petitioner is at parity with the aforesaid co-accused, who has been granted regular bail by this Court. The petitioner is also stated to be having clean antecedents and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.11.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |