

239 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51701-2023 (O&M)

Date of Decision:14.12.2023

Naveen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ashish Pannu, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.190 dated 30.08.2022 under Section 148, 149, 120-B, 323, 341 and 506 of IPC (Sections 307 and 325 added later on), registered at Police Station Alewa, District Jind.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 01 year and 03 months and in the present case the police has already completed the investigation and the matter is now fixed for consideration of framing of charges. He also submitted that as per the allegations, the petitioner had conspired with the other co-accused who in turn had attacked the complainant and caused him head injuries and thereafter during the course of investigation, the provisions of Sections 307 and 325 of IPC were added. He also submitted that in the present case the main accused who had caused injuries was Pawan @

Pona and so far as the role of the present petitioner is concerned it was pertaining to conspiracy only.

3. Learned counsel for the petitioner has further submitted that one of the other similarly situated co-accused, who is at parity with the present petitioner, namely Jaibir has since been extended the benefit of bail by this Court vide order dated 13.02.2023 passed in CRM-M-60143-2022 and as such the present petitioner who is exactly at parity with the aforesaid co-accused may be considered for the grant of regular bail. He also submitted that one more co-accused namely Sonu has also been extended the benefit of regular bail by this Court vide order dated 21.12.2022 passed in CRM-M-52718-2022.

4. On the other hand Mr. Naveen Kumar Sheoran, DAG, Haryana, has submitted that it is correct that the petitioner is in custody for about 01 year and 03 months and further submitted that the aforesaid two co-accused namely Jaibir and Sonu who are at parity with the present petitioner have been granted regular bail by this Court. Learned State counsel has further submitted that the petitioner is also involved in two more criminal cases

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

6. The petitioner has already faced incarceration for about 01 year and 03 months. The investigation of the case has already been completed and the challan already stands presented. As per the learned counsel for the parties, charges have not been framed as yet. It is not in dispute that the petitioner is at parity with the aforesaid two accused namely Sonu and Jaibir. The pendency of two more cases against the petitioner cannot become a ground for denial of bail to the petitioner.

Furthermore, it is neither the case of the learned State counsel nor it has

been argued 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 of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond 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 the present petition.

(JASGURPREET SINGH PURI)
JUDGE

14.12.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No