

2023:PHHC:136163

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

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CRM-M-52246-2023

Date of decision : 18.10.2023

Norti**..... Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Suresh Kumar, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0581 dated 31.12.2020, registered for the offences punishable under Sections 323, 341, 379-A and 506 of IPC, 1860 at Police Station Indri, District Karnal.
2. As per the contents of the FIR, it has been alleged as under:-

“To The SHO, it is requested that I am Mahinder Singh son of Sh Balbir Singh resident of Village Santdi Indri (Kamal). Today at around 4.30 pm, I was going from Indri towards village Santdi on my motorcycle Splendor HR05W-9038. When I reached near Radha Soami Satsang Bhawan, there were three persons sitting on two motorcycles. Those who had parked the motorcycle on my side suddenly hit me on the head with a stick and also hit my left hand with a stick. When I immediately

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stopped the bike, other people started beating me with sticks. And I left my bike and ran towards front of the houses. And they started hitting me continuously. And one of them snatched 40,000 rupees from my shirt pocket. And two people hold my hands. When I called out 'Bachao Bachao', they all ran towards Ladwa sitting on motorcycles with their sticks in their hands. And while leaving, they threatened to kill me. And then I called my brother-in-law Shri Ranbir Singh resident of Village Phusgarh about this incident who informed the police. Please take legal action against the unknown persons who beat me up and snatched my money - SD- -Mahinder Singh Complainant Mahinder Singh S/O Shri Balbir Singh resident of Village Santdi M 9991298829 Today at Police Station: At this time, SI Dayanand is present in the police station. That Mahinder Singh son of Sh Balbir Singh resident of Village Santdi Police Station Indri has submitted one complaint against 6 unknown persons accused. The accused 6 unknown person who on their 2 motorcycles on 31.12.2020 at about 4.30 PM stopped the vehicle of the complainant in the midway of the road thereafter started beating him up with the sticks and snatched away Rs. 40,000/- from the complainant regarding which the complainant has submitted the complaint by appearing in the Police Station. From the contents of the complaint offence under Section 323, 341, 379B, 506 IPC seems to have been committed thereafter case no. 581 dated 31.12.2020 under section 323, 341, 379B, 506 IPC, registered at Police Station Indri. Copy of the police file with original complaint left alongwith complainant to the

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spot. Special reports of the FIR are being sent through email to illaqa magistrate and senior officers. Remaining copies of the FIR are being sent through post to senior officers.”

3. Counsel for the petitioner submits that petitioner is behind bars since 26.03.2023. Challan already stands presented and investigation is complete, thus there cannot be any apprehension that the petitioner shall tamper with the evidence. His custody cannot be prolonged as a punitive measure.
4. Counsel for the State does not dispute the aforesaid factual assertions made by counsel for the petitioner.
5. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

18.10.2023
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No