

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-52714-2023

Date of decision: 20.10.2023

Ajay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.127 dated 07.04.2023 under Sections 148, 149, 323, 324, 308, 201, 506, 307, 325 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Model Town, District Panipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner was neither named in the FIR nor any specific role attributed to him therein, however, he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Vishal after one month of the alleged occurrence wherein he stated that the petitioner was one of the 7-8 unidentified assailants, who had accompanied him at the time of the alleged occurrence. Learned counsel submits that even in the disclosure statement the only role attributed to the petitioner was of having inflicted fist and leg blows on

the injured. He submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as not only challan stands presented but even charges have been framed.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that as per instructions received the petitioner was named soon after the occurrence in question by none other than the complainant in his statement recorded under Section 161 of the Cr.P.C. wherein he levelled specific allegations against the petitioner of inflicting injuries.

4. However, learned counsel appearing for the petitioner submits that both disclosure statement as well as the statement under Section 161 of the Cr.P.C. were recorded after a month of the alleged occurrence which leave no manner of doubt that a false version had been brought forth against the petitioner with respect to his participation in the crime in question.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 13.04.2023 and none of the 13 prosecution witnesses have been examined so far. There is, thus, no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, coupled with the role attributed to the petitioner in the crime in question, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate

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concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.10.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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