

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54652-2023

Decided on : 07.11.2023

Om Parkash @ Vikash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Sahu, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

Mr. Vikas Bishnoi, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.233 dated 15.08.2023 under Sections 147, 149, 186, 332, 341, 353, 506, 379-B IPC registered at Police Station Bhattu Kalan District Fatehabad.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand as neither any specific allegations have been levelled against him nor any overt act attributed in the FIR in question, which has been annexed as Annexure P-1. It has been further submitted that the investigation in the case is already complete as challan was presented on 28.09.2023 and the charges have not yet been framed. Hence, there is no likelihood of the trial concluding

anytime in the near future. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose as the investigation in the case in hand is complete.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has submitted that the petitioner along with the co-accused beat up the complainant and thereafter, fled away from the spot. It has also been submitted that the co-accused also snatched gold chain of the complainant along with Rs.4350/-. It has been further submitted that when the petitioner was arrested on 13.09.2023, upon interrogation he admitted to his involvement in the offence in question and recovery of a wooden danda was effected from him. It has still further been submitted that the petitioner was earlier also involved in four other criminal cases though he stands acquitted in three of those cases while in one he was convicted.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 13.09.2023. The only role attributed to the petitioner is of having assaulted the complainant while he was discharging his official duties. Allegations of snatching of gold chain and an amount of Rs.4,350/- have been levelled against the co-accused.

6. In the facts and circumstances, since investigation is complete and there is no likelihood of the trial concluding in the near future this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the

instant petition is allowed. The petitioner is admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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.

07.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

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