

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

CRM-M-57483-2022 (O&M)
Date of Decision:-**07.02.2023**

ASHOK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Kunal Dawar , Advocate and
Mr. Rohit Rana, Advocate
for the applicant/petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

CRM-5426-2023

In view of the reasons mentioned in the application, the same is allowed and the main case is ordered to be taken on board today itself.

Main Case

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.621 dated 9.10.2021 registered under Sections 148, 149, 186, 224, 307, 332, 353, 379-B, 427, 225, 114 IPC at Police Station Surajkund District Faridabad.

The allegations in nut-shell are that the police party raided house of the petitioner to apprehend his brothers Sanjay and Sunil, who were wanted in another case but inhabitant of the house attacked the police party and petitioner gave brick blow on the head of SHO Sohan Pal and obstructed the police party in doing its official duty and forcibly got released Surjit from the custody of the police.

The counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and the injury attributed to the petitioner is found to be simple in nature and the petitioner is in custody since 20.8.2022 and the investigation stands completed and the challan has been presented, whereas 4 co-accused already given benefit of anticipatory bail/regular bail vide orders Annexure P-2, Annexure P-3 and Annexure P-4. So the prayer is made that the petitioner be also granted regular bail.

The instant petition is resisted by the State counsel, who submits that at the time of occurrence the police party was resisted by all the accused including the petitioner and the petitioner intentionally gave brick blow to SHO Sohan Lal and helped co-accused Surjit in escaping from the spot, who was later on arrested. However, the State counsel has not disputed the custody period of the petitioner and that only simple injury has been attributed to the petitioner and that the challan has been presented by the police against all the accused. However, the State counsel apprised the Court that petitioner is involved in 6 other cases and is a hardened criminal.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner is in custody since 20.8.2022 and after completion of investigation the police has presented the challan but it will take considerable time for the trial to conclude. Only simple injury has been attributed to the petitioner and his co-accused are already released on bail as is evident from orders Annexures P-2, Annexure P-3 and Annexure P-4. As the petitioner is in custody for the last more than 5 months, it could be easily presumed that the petitioner must be already² taken into custody by the police in all the other criminal cases, in which he is required.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

07.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No