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

CRM-M-56287-2023

Date of decision : 16.11.2023

Prince @ Kaku

..... Petitioner

**Versus**

State of Haryana

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present:- Mr. Ravinder Malik, Advocate  
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

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**RAJESH BHARDWAJ, J. (Oral)**

Present third petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.22, dated 10.01.2023, under Sections 148, 149, 323, 307 & 506 of Indian Penal Code, registered at Police Station Sector 29, Panipat, District Panipat, Haryana.

Brief facts of the case are that Vijay son of Lehna Singh made a statement before the police that on 07.01.2023 at about 06.00 p.m., when he was going to barber shop, then one Pradeep bakare wala (goat owner) with his companions Sarfaraj @ Paina, Arjun, Karan and Kaku (petitioner) met him. They all were armed with *Gandasis*. Then Pradeep bakare wala asked him for Rs.5000-7000/-, to which he agreed. Then Sarfaraj forcibly put his hand in complainant's pocket and they started scuffling with him. He alleged that Sarfaraj hit him with rod on his back while Pradeep, Karan and Kaku (petitioner) caught hold of him. Thereafter, Arjun with an

intention to kill him, hit him with the *Gandasi* on his head and when he fell down, then he was given kicks and fists blows by other accused. He was shifted to the hospital. The request was made to take legal action against the accused. On registration of the formal FIR, investigation commenced. The injured was medically examined and the accused were arrested. The petitioner was arrested in this case on 28.01.2023. The petitioner approached the Court of learned Additional Sessions Judge, Panipat praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge declined the same vide order dated 05.04.2023. Aggrieved by the same, petitioner on earlier two occasions approached this Court praying for grant of regular bail by filing two petitions bearing **No.CRM-M No.26507-2023 and CRM-M-34211-2023**. However, the same were allowed to be dismissed as withdrawn vide orders dated 30.05.2023 and 21.07.2023. Hence, the petitioner is before this Court again by way of filing the present third petition.

Learned counsel for the petitioner has vehemently argued that the petitioner has been falsely implicated in this case. He submits that as per the allegations made by the complainant, the injured-complainant was way laid by the accused and all were allegedly armed with the *Gandasis*. He submits that complainant had alleged that the petitioner caught hold of him whereas the injury with the *Gandasi* on his head was caused by the co-accused Arjun. He submits that injuries for which the offence under Section 307 IPC has been added is attributed to the co-accused and not to the petitioner. He submits that investigation in this case is complete and charges are also framed. He submits that the petitioner is not involved in

any other case. He submits that the co-accused namely, Karan has already been granted bail by this Court vide order dated 31.10.2023 passed in CRM-M-43151-2023 and the case of the petitioner is not distinguishable from that of his co-accused as such in view of principle of parity, petitioner is entitled for the concession of regular bail. He submits that once the ocular version is not even medically corroborated, the petitioner deserves to be granted bail.

*Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. She submits that the petitioner was a member of unlawful assembly and he has made an overt act wherein he along with his co-accused caught hold the injured. She, on instructions from ASI Mahabir Singh, submits that investigation is complete and charges were framed. In all, there are 15 prosecution witnesses, however, none has been examined so far and the next date before the trial Court is today itself. She further submits that petitioner is not involved in any other case. She submits that in the facts and circumstances of the case, the petitioner does not deserve the grant of bail. She has not denied the fact that similarly situated accused i.e. Karan has already been granted regular bail by this Court vide order dated 31.10.2023.

I have heard the learned counsels for the parties and perused the record.

Evidently, the occurrence in question has taken place on 07.01.2023. The complainant, who is injured in this case, has named the petitioner and the co-accused. However, it has been alleged that the petitioner caught hold of the injured-complainant and the injuries with the

*Gandasi* on his head were caused by co-accused Arjun. The petitioner is behind bars since 28.01.2023. Investigation is complete and charges are also framed. However, no witness has been examined so far. Co-accused of the petitioner has already been granted regular bail by this Court. There is nothing on record to show that the petitioner has any criminal antecedents as he is not involved in any other case.

Keeping in view the arguments raised by both the sides and after perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)  
JUDGE

16.11.2023  
*m.sharma*

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