

2023:PHHC: 147382

**240 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-57492-2023

Date of decision: 20.11.2023

BANWARI LAL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arihant Jain, Advocate
for the petitioner.

Ms. Jasleen Chahal, AAG, 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. 233 dated 15.08.2023 under Sections 147, 149, 186, 332, 341, 353, 506, 379-B of the 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 instant case; only vague allegations have been levelled against him that after stopping their motorcycle he and the co-accused beat-up the complainant and thereafter fled away from the spot after extending threats to him.

3. It has been further submitted that the petitioner has been in custody since 02.09.2023 and the investigation in the case in hand is complete as challan stands presented. Learned counsel, therefore, prays for extending the concession of bail to the petitioner, as his further incarceration, in the facts and circumstances, especially, in view of the role attributed to him in the occurrence in question, would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has submitted that petitioner along with co-accused slapped the complainant and also assaulted him with a wooden stick and while fleeing from the spot, they snatched the gold chain of the complainant besides decamping with Rs. 4,350/-. It has not been disputed by the learned State counsel, on instructions, that the petitioner has not been attributed any injury in the occurrence 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 02.09.2023. The only role attributed to the petitioner is of having physically assaulted the complainant. The investigation is complete and challan stands presented; charges have however not been framed, the trial would, therefore, take considerable time to conclude.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

20.11.2023

manoj

(MANJARI NEHRU KAUL)
JUDGE

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