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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59671-2022

Date of Decision: 19.01.2023

BIRENDER SINGH ALIAS BINDER

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Priyavrat Parashar, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 263 dated 06.07.2022 under Sections 324, 379-B, 506 IPC, registered at Police Station Kalayat, District Kaithal.

Custody certificate has been taken on record.

Briefly, the FIR has been registered on the basis of the statement of the complainant alleging that on 05.07.2022, the petitioner had snatched a sum of Rs. 45,000/- from him and also inflicted two injuries by means of knife.

Learned counsel for the petitioner contends that the petitioner had been falsely implicated in the instant case. The allegations with regard to the cash amount are false. Only a sum of Rs. 2000/- has been recovered from the petitioner. The injuries attributed to the petitioner are simple in nature and fall under Section 324 IPC. Subsequent to the registration of the present FIR, the son of the complainant had also inflicted injuries on the

person of the petitioner and an FIR No. 284 dated 21.07.2022 under Sections 323, 324, 34 IPC has been registered at Police Station Kalayat, District Kaithal. The petitioner is in custody for a period of 5 months and 11 days. The investigation of the case is complete and the challan has been presented in the Court.

Learned State counsel has opposed the bail application on the score that there are serious allegations with regard to snatching of Rs.45,000/- and inflicting of injuries by sharp-edged weapon attributed against the petitioner. Although, the investigation is complete but the material witnesses are yet to be examined. Moreover, the petitioner is also involved in another case.

The custody certificate indicates that the petitioner is in custody for a period of 5 months and 11 days. Though he is involved in another case bearing FIR No. 141 dated 22.05.2020 under Sections 201, 323, 506/34 IPC has been registered at Police Station Kalayat, District Kaithal but the offences except under Section 506 IPC in that case are bailable. The custodial interrogation of the petitioner is over. Recovery has been effected and he is in judicial custody. The investigation of the case is complete and the challan has been presented in the Court. Out of 8, only one witness has been examined and conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making

any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

19.01.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No