

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

CRM-M-57290-2023

Date of Decision:-20.11.2023

Sumit.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ankur Lal, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.436 dated 06.08.2023 under Sections 323, 379-B, 506 and 34 IPC registered at Police Station Kotwali, District Faridabad.

2. The present FIR came to be registered at the instance of Jyoti who states that she had two brothers namely, Sandeep who was the elder one and Pardeep who was younger. Her brother Pardeep was standing with Nitin @ Kashi, Pakoda (Pawan) and Sumit (petitioner) at Mandi Chowk. When her brother Sandeep came to know this then he came and took her younger brother Pardeep home. When her brothers reached near the hotel, then Nitin, Pawan along with their companions attacked her brothers with a broken beer bottle. Her brothers got injured on the throat, chest and waist. They (accused party) snatched an amount of Rs.1,05,000/- which had been

taken by her brother as a loan.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. No specific role has been attributed to him. The allegations against the petitioner and his co-accused of snatching of a sum of Rs.1,05,000/- is completely baseless and has been levelled so as to aggravate the offences. Taking the allegations to be true it would be a case of the commission of an offence under Section 323 IPC at best which is bailable in nature. In fact, the prosecution story appears to be doubtful. When the injured was taken to the hospital, he was found to be smelling of alcohol and had misbehaved with the staff. As the petitioner was in custody since 08.08.2023 and none of the 14 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused. Therefore, he was not entitled to the grant of bail. He however, concedes that the petitioner is a first time offender, in custody since 08.08.2023 and that none of the 14 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 08.08.2023 and none of the 14 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is

not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Sumit** son of Sh. Bijender is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the present case.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 20, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>