

262 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 22.03.2023
CRM-M-163-2023

ARUN @ MOHIT ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CRM-M-165-2023

ASHISH @ LEELA ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CRM-M-488-2023

DEEPAK @ MALKHAN ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CRM-M-7481-2023

HITESH @ KHATI ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Aditya Yadav, Advocate
for the petitioners in CRM-M-163-2023 & CRM-M-165-2023.

Mr. Rohit Mittal, Advocate for the petitioners
in CRM-M-488-2023 & CRM-M-7481-2023.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

The petitioners are seeking regular bail in the case bearing FIR
No.75 dated 05.07.2022 under Sections 148, 149, 201, 307, 323, 326A, 326
120B IPC registered at Police Station, City Kanina, District Mahendergarh.

Custody certificates have been placed on record.

Briefly, the FIR has been registered on the basis of statement of Ankit, injured, alleging that on 01.07.2022, he alongwith his friend Deepak @ Sonu son of Naresh, had consumed alcohol and thereafter were sitting outside a ground. Meanwhile, four boys came on two motorcycles. They were carrying two bottles of petrol. One of them poured the petrol on the injured and other one set him on fire and, thereafter, the assailants slipped away.

Learned counsel for the petitioners contend that the petitioners have not been named in the FIR. Furthermore, statement of Sonu @ Sudesh @ Deepak, the eye witness has been recorded during the course of investigation, wherein, he has stated the presence of Arun @ Mohit-petitioner alongwith other persons. Significantly, no role has been attributed to Arun @ Mohit and even, the other three petitioners, namely, Ashish @ Leela, Deepak @ Malkhan and Hitesh @ Khati have not been named by him. As per the statement of Sonu @ Sudesh @ Deepak, eye witness, Hitesh @ Happy had opened the lid of the bottle containing petrol and poured the same on the injured and Yashu @ Yogesh set him on fire. The injured had suffered 35% burn injuries and has been discharged from the hospital. He is stated to be in good health. The petitioners are in custody for a period of more than 08 months. Their custodial interrogation is over, the investigation of the case is complete and the challan has been presented. It has also been pointed out that Ashish @ Leela, petitioner, though involved in 08 other cases but there is no reliable evidence to implicate him in the instant case.

Learned State counsel has opposed the bail applications on the score that petitioner-Arun @ Mohit, has been named by Sonu @ Sudesh @

Deepak, eye witness and moreover, the names of other three petitioners have emerged in the confessional statement of Manish, co-accused.

It may be mentioned here that the name(s) of the petitioner(s) has not been reflected in FIR. Although, Arun @ Mohit has been named by Sonu @ Sudesh @ Deepak, eye witness, in a statement, but significantly, no role has been attributed to him. The names of Ashish @ Leela, Deepak @ Malkhan and Hitesh @ Khati do not find mention in the statement of Sonu @ Sudesh @ Deepak, eye witness. Their names are stated to have emerged in the confessional statement of the co-accused. The evidentiary value of such a statement will be debatable and moot point in the trial Court. Although, Ashish @ Leela, petitioner, is involved in 08 other cases but he has neither been named in the FIR nor in the statement of the eye witness. The injured, who has suffered 35% burn injuries, is stated to have been discharged from the hospital and in good health. The investigation of the case is complete and challan has been presented. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioners in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioners. Accordingly, without making any observation on the merits of the case, all the petitions are allowed and petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

22.03.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No