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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60077-2023 (O&M)
Decided on:12.12.2023

Ravi @ Dubi

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. AG, Haryana.

Mr. Narinder Singh, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.32, dated 14.01.2023, under Sections 147, 149, 307, 323, 341, 379-B and 506 IPC and Section 25 of Arms Act, 1959, registered at Police Station Camp Palwal, Tehsil and District Palwal.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner is in custody from 18.01.2023 which is almost 11 months. He further submitted that the investigation of the case has already been completed and thereafter, challan has also been presented before the

competent Court. He also submitted that the uncle of injured-Mohit had filed a complaint with the police that his nephew was beaten up by 4-5 unknown boys and he has received multiple injuries. He further submitted that during the course of investigation, one of the main accused, namely, Saurabh @ Monu was arrested and the petitioner's name cropped up during the investigation only. He further submitted that in fact the injured Mohit was having an old enmity with the aforesaid Saurabh @ Monu and even as per the prosecution, the petitioner was sitting in the car and there had been a recovery of one *Danda* from the present petitioner. He also submitted that the petitioner was not even involved in the present case and was not having any motive even as per the prosecution. He further submitted that one of the other co-accused, namely, Harsh against whom the allegations were with regard to performing of *reiki* has since been granted regular bail by a Co-ordinate Bench of this Court on 01.06.2023 vide Annexure P-3.

3. Learned counsel for the petitioner further submitted while referring to the order passed by the learned trial Court on 12.10.2023 and also on 30.11.2023 whereby the injured has not cared to depose before the Court as prosecution witness despite being served and therefore, on the aforesaid two dates, the learned trial Court was constrained to issue bailable warrants against the aforesaid Mohit-injured. He also submitted that since the petitioner has been falsely implicated in the present case, the complainant is deliberately not appearing before the Court and especially in view of the fact that the aforesaid Mohit is an Advocate.

4. On the other hand, Mr. Vijesh Sharma, learned Additional Advocate General, Haryana, submitted that so far as the custody of the petitioner is concerned, the same is not in dispute. He further submitted that it is correct that the petitioner is not involved in any other case. He has however opposed the grant of regular bail to the petitioner on the ground that there was a recovery of *danda* from him. He also submitted that it is also correct that one of the co-accused, namely, Harsh has been granted regular bail by a Co-ordinate Bench of this Court vide Annexure P-3.

5. Mr. Narinder Singh, Advocate has caused appearance and filed his Power of Attorney on behalf of the complainant and has opposed the grant of regular bail to the petitioner on the ground that he was involved in the offence by giving *danda* blows upon the injured by which he received multiple number of injuries. He further submitted that in view of the seriousness of the offence involved, the petitioner does not deserve the concession of regular bail.

6. I have heard the learned counsels for the parties.

7. The injured in the present case is stated to be an Advocate. As per the orders so referred to by learned counsel for the petitioner that despite being summoned by the learned trial Court, the injured did not care to depose before the Court and vide orders dated 12.10.2023 and 30.11.2023, the trial Court was constrained to issueailable warrants against him for appearing before the Court for deposition. As per the learned counsel for the petitioner, the petitioner is not involved in the present offence and the recovery of *danda* has been only shown by the police to falsely implicate the petitioner. The petitioner is stated to be not involved in any other case.

Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may repeat the offence or may influence the witness. Therefore, this Court is of the view that considering the aforesaid facts and circumstances, the petitioner deserves the concession of regular bail.

8. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

12.12.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No