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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-439-2024 (O&M)
Date of decision: 12.01.2024

Dharambir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lekh Raj Sharma, Advocate and
 Mr. Abhishek Sharma, Advocate
 for the petitioner.

Ms. Jasleen Chahal, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of bail under Section 439 Cr.P.C. in case FIR No.168 dated 18.06.2023 under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 (Section 307 IPC added subsequently) registered at Police Station B.P.T.P., District Faridabad, Haryana.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner, who is a 77 years old man and has been in custody since 23.07.2023 in a case of false implication. While drawing attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, it has been asserted that there had been some quarrel between the children of the neighbours; the petitioner along with some

others were thereafter shown to be present at the place of occurrence with *lathies, farsa* etc., however, it was co-accused Saurav and Gulli, who allegedly threw bricks from the roof of their house which in turn caused injuries on the head of injured Javitri as a result of which she sustained injuries inviting the mischief of Section 307 IPC. It has been asserted by the learned counsel for the petitioner that similarly situated co-accused Dharampal has since been extended the concession of bail by this Court vide order dated 12.12.2023. Furthermore, there is no specific role, muchless any injury attributed to the petitioner in the crime in question.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that no specific injury or role has been attributed to the petitioner in the occurrence in question and furthermore the case of the petitioner is at par with co-accused Dharampal, who has since been extended the concession of bail. Learned State counsel has further informed the Court that after the charges were framed, the next date fixed before the trial Court is 26.02.2024, when the prosecution evidence is likely to commence.

4. On a pointed query, learned State counsel has not disputed that the petitioner has clean criminal antecedents and is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner, who is a 77 year old man, has been in custody since 23.07.2023. There is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, particularly in view of the conceded case of the prosecution that the injuries

inviting the mischief of Section 307 IPC have not been attributed to the petitioner, this Court deems it fit to enlarge him on bail. 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.

12.01.2024
Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No