

S. No.211

2024:PHHC:060607

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Ankit alias Baba
Vs.
State of Haryana

CRM-M-5427 of 2024 (O&M)
Date of Decision:02.05.2024
.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ajay Kripal Singh, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.316 dated 26.08.2022 registered under Sections 147, 148, 149, 323, 325, 452, 506 (Section 307 IPC added later on) at Police Station Bhiwani Civil Lines, District Bhiwani.

On 19.03.2024, following order was passed by this Court:-

“Status report by way of an affidavit of Shri Ramesh Kumar, HPS, Deputy Superintendent of Police (HQ), Bhiwani, Haryana as already been filed on behalf of respondent- State, received through registry. Copy supplied.

Custody certificate has been placed on record by learned State counsel.

Concededly petitioner is not named in the FIR to be amongst the assailants. It is Sachin, Rajat and 10-12 boys who are alleged to have inflicted injuries to Dinesh and Ravi. As many as four injuries on the person of Ravi and as many as four injuires on the person of Dinesh have been found to be grievous. Two of the injuries on the person of Ravi were declared dangerous to life invoking Section 307 of the IPC.

Respondent- State is hereby directed to clarify as to whether any Test Identification Parade was got conducted from the injured of the case Ravi and Dinesh so as to identify the petitioner and the other assailants, apart from the accused who are specifically named in the FIR.

Adjourned to 02.05.2024.”

Today, it is informed by learned State Counsel that no Test Identification Parade was conducted during investigation.

Learned counsel for the petitioner has drawn attention towards Annexures P.3 and P.4, the statements made by both the injured Dinesh and Ravi before the Juvenile Justice Board during the trial of co-accused, in which none of them deposed anything against the petitioner.

As per the custody certificate placed on record by learned State Counsel, petitioner is in custody for the last 01 year and 20 days. Although his involvement is shown in another case bearing FIR No.654 dated 12.10.2022 registered at Police Station Sadar, Bhiwani, under Sections 148, 149, 302, 120-B IPC but he has since been acquitted in that case on 08.01.2024.

Apart from above, learned State Counsel also informs that out of 26 witnesses cited by the prosecution, only five have been examined so far. Thus, trial is likely to take long time to conclude.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 02, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No