

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-9000-2024

Date of decision: 15.03.2024

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rajesh Gaur, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.168 dated 18.06.2023 under Sections 148, 149, 323 and 506 of the IPC (Section 307 of the IPC added lateron) registered at Police Station B.P.T.P., District Faridabad.

2. Learned counsel for the petitioner inter alia contends that a perusal of the FIR which has been annexed as Annexure P-1 clearly reveals that it was co-accused Gulli and Saurabh who allegedly inflicted injuries with bricks on the head of injured Javitri, which was opined by the doctor to be dangerous to life. Learned counsel has submitted that other than the petitioner's presence being shown at the place of occurrence with the co-accused, no specific role or injury much less on injured Javitri had been attributed to the petitioner. It has also been submitted that after the petitioner was arrested on 19.05.2023 not only had the challan been presented but even charges framed and now

the case is fixed for 13.05.2024 for recording of prosecution evidence. Learned counsel has also submitted that identically placed co-accused Dharam Pal and Dharambir have since been extended the concession of bail by this Court vide orders dated 12.10.2023 and 12.01.2024 respectively (Annexures P-4 and P-5).

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner has any criminal antecedents, he has replied in the negative.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Ram Singh, has not disputed the factual aspect of the role attributed to the petitioner; it has also not been disputed that the co-accused who had been granted the concession of bail by this Court were identically placed as the petitioner. Learned State counsel on instructions has also not disputed the injuries attracting the mischief of Section 307 of the IPC have been attributed to co-accused Saurah and Gulli, who are still in custody.

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

6. The petitioner has been in custody since 19.05.2023. Concededly, other than the petitioner being present along with the co-accused with danda etc., no injury much less any specific role has been attributed to him in the occurrence in question. The trial is unlikely to conclude in the near future as none of the 19 prosecution witnesses have been examined yet. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to

the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

15.03.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No