

CRM-M-11238-2024

2024:PHHC:040850

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-11238-2024

Date of Decision : March 21, 2024

SUBHAM ALIAS BABU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : None for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.448 dated 16.6.2022, Under Sections 147, 148, 149, 307, 323, 325, 341, 506 IPC and under Section 25 of the Arms Act, registered at Police Station City Hansi, District Hansi.

2. In the instant case, the occurrence took place on 9.6.2022, whereas, the instant FIR has been registered on 16.6.2022 on a statement made by one Vicky/injured-victim. The relevant extract of the statement, which led to the registration of the FIR reads as under:-

“On dated 09.06.22 at around 8.30 o'clock I reached home on my motorcycle Saplander no. HR 21-0381 reached at Panchayati Gurudwara where two streets are released. There were three motorcycles parked. Kalu Dhana was sitting on one, behind him was Rahul alias Petu, Goli R/O Char Qutub was sitting and on the other

motorcycle was Naresh Madan, behind him was Rahul Choti Valmiki Chowk, Babu Surya Nagar Hisar, three persons were sitting on the third motorcycle, who had tied their mouths, whom I did not know, then Kalu Dhana put his motorcycle in front of my motorcycle, all of whom were holding 'chaad gandas' in their hands. They stopped me and I started running, then Kalu hit me on the waist from behind due to which I fell down and then everyone together started attacking me with the gandas which were holding in their hands. I don't know who attacked on my my legs, hands on the waist, then Kalu Dhana took out a country-made pistol from the pocket of his pant and placed his foot on my head and said, "Kar Du Kaam Tamaam." Then I raised the voice maar diya maar diya. Many people who were seeking votes from the neighborhood came to the spot and by seeing this, all of them ran away on their motorcycles along with their weapons and while leaving, they were saying that today I was saved and if I meet you in future, I will be killed by them."

3. The perusal of the above extract of the FIR, make revelations that though the petitioner was present at the spot with the other co-accused, but no specific injury was attributed to him. The main allegations levelled are against Kalu Dhana and the motive for causing injuries was some dispute with one co-accused Rahul. The petitioner is behind the bars since 9.9.2022.

4. The learned State counsel on instructions imparted to him by the official concerned informs this Court that in the present case the final report after completion of investigation has been filed way back on

8.12.2022 and the charges were framed on 2.2.2023 and out of total 12 cited witnesses, only 4 have been examined so far.

5. Though the petitioner is stated to be involved in one more case of similar allegations, however, considering the facts and circumstances, as well as considering the days of incarceration, the petitioner has suffered and the stage of the trial, which is on its midway and it will take a long time in its conclusion, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

6. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

March 21, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No