

CRM-M-11050-2024

223 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11050-2024

Decided on:-06.03.2024

Vishal Singh @ Vishal

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manpreet Singh Bhatti, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.363, dated 15.10.2023, registered under Sections 323, 324, 427 and 34 IPC (Section 307 IPC and Section 25 of the Arms Act, 1959 added later on), at Police Station Sector-65, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner has been implicated besides three others for having inflicted multiple injuries upon the person of complainant-injured, namely, Kuljeet Singh.

3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the incident involving the FIR was in two parts. In the first part of the incident, which happened inside the club, the petitioner was visible in the CCTV footage though in the second

part, he remained seated inside the vehicle/car only. He further submits that the second part of the incident was a premeditated one and the petitioner was part of that as well and thus, prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, the investigation already stands concluded with the filing of challan and the trial is likely to take some time. The petitioner has admittedly not inflicted any injury upon the person of complainant-Kuljeet Singh in the second part of the incident as three stab blows were inflicted by co-accused Namish Sharma and thus, the role of the petitioner is totally distinguishable as compared to the other two co-accused, who came out of the car at the time of second incident and inflicted injuries upon the person of the complainant.

6. In view of the above and considering the custody period of the petitioner which is more than 3½ months, I do not find any justification to extend the incarceration of the petitioner.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

06.03.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No