

108+217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-16705-2024 in/and
CRM-M-12556-2024
Date of Decision: 30.04.2024

Ajay alias Ajia

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Daljeet Singh Virk, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)**CRM-16705-2024**

1. Application is allowed as prayed for subject to just exceptions.

Annexures P-8 to 13 are taken on record.

CRM-M-12556-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No. 259 dated 15.04.2023 registered under Sections 147, 148, 323, 452 and 506 read with Section 149 of IPC (Sections 395 and 397 of IPC added later on) at Police Station City Sirsa, District Sirsa.

2. The FIR in the present case was registered on the basis of the statement made by Lalan Yadav son of Tula Yadav, by alleging that at about 10.50 p.m. on 14.04.2023, he was taking rest in Ambar Hotel and 7-8 unknown persons came there duly armed and attacked on him. During the scuffle, the

mobile phone make Vivo of the complainant carrying SIM No.95184-10789 was not found and it had fallen during the fight. He requested for taking legal action against 7-8 unknown persons and with these broad allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner contends that the petitioner was not named in the present case and no physical description of any of the accused was mentioned in the FIR. He further contends that the petitioner is in custody in the present case since 26.06.2023 and the final report under Section 173 Cr.P.C. has already been presented before the Court of law. By referring to the orders Annexures P-3 to P-6, similarly placed co-accused Sachin, Kuldeep Singh, Mangat Ram and Vishal have already been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he does not deserve the concession of bail.

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

6. The petitioner was arrested in the present case on 26.06.2023. Apart from that, similarly placed co-accused, namely Sachin, Kuldeep Singh, Mangat Ram and Vishal have already been granted the concession of bail by this Court vide orders Annexures P-3 to P-6. It is also not in dispute that the injuries suffered by the complainant were simple in nature and his further detention would not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

30.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No