

219+104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-14190-2024 in/and
CRM-M-12529-2024
Date of decision: 15.04.2024

Pankaj @ Pokka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Sandeep Kumar Yadav, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

CRM-14190-2024

Application is allowed as prayed for.

Annexure P-3 is taken on record.

CRM-M-12529-2024

1. The present petition has been filed by the petitioner under Section 439 for grant of regular bail in case having FIR No.98 dated 09.04.2023 registered under Sections 323/341/506/34 IPC (Section 307 IPC was added later on) at Police Station Ateli, District Mahendergarh.
2. The allegations in nutshell are that on 04.04.2023 at about 07:20 PM, the complainant was going towards his well on his tractor after

dropping labour at brick kiln and on the way he was intercepted by six/seven persons armed with different weapons and they were traveling in a vehicle and then all of them got down from their vehicle and attacked complainant and caused injuries to him. The complainant was of firm belief that the aforesaid six/seven persons attacked complainant at instance of Bhopal and his son Mohit. During investigation, the petitioner was arrested on 19.07.2023.

3. The counsel for the petitioner submits that petitioner was not named in the FIR and later on implicated as an accused. It is further submitted that even as per the allegations appearing on record, at the time of occurrence, petitioner was empty handed and he gave fist and slap blows to the complainant and during investigation, no incriminating article was recovered at instance of the petitioner. It is further submitted that petitioner is in custody for last more than 8 months and is enlarged on bail in one another case under IPC. It is further submitted that it will take time for trial to conclude. So, prayer is made that petitioner be released on bail.

4. On the other hand, the State counsel while opposing the present petition submits that petitioner was member of unlawful assembly and he actively participated in the occurrence and caused injuries to the complainant. However, the State counsel on instructions from PSI Sonu has not refuted that at the time of occurrence, petitioner was empty handed and gave fist and slap blows to complainant and is in custody for the last more than 8 months.

5. I have considered the submissions made by counsel for the parties.

6. It *prima facie* appears that no grievous or life threatening injury is attributed to the petitioner who is stated to be empty handed and is alleged to have given fist and slap blows to the complainant at the time of occurrence. Admittedly, petitioner was not named in the FIR and later on nominated as accused and is in custody for the last more than 8 months. It will take time for the trial to conclude. In the given circumstances no purpose is going to be served by prolonging judicial custody of the petitioner.

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

15.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No