

2024:PHHC:039129

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.230

CRM-M-12859-2024 (O&M)

Date of decision : 19.03.2024

Anas Habib

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pranshul Dhull, Advocate for
Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

KIRTI SINGH, 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 fist blow injury 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. On

15.01.2024 and till date, charges have not been framed. The next date of hearing before the trial Court is 04.07.2024.

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 grievous 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 4 months (approx.), 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.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.03.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No