

CRM-M-15388-2024

226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15388-2024
Decided on:-04.04.2024

Vinay KumarPetitioner..

vs.

State of HaryanaRespondent.

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 to the petitioner, pending trial in case 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 only allegation against the petitioner is that he raised lalkara to the complainant while accompanying the other co-accused, who 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 entire incident started at the instigation of the petitioner and thus, he is active and instrumental in the occurrence 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 only allegation against the petitioner is that he raised lalkara to the complainant. Even otherwise, the other co-accused, namely Vishal Singh @ Vishal and Anas Habib have already been granted the concession of regular bail by this Court vide order dated 06.03.2024 passed in CRM-M-11050-2024 and order dated 19.03.2024 passed in CRM-M-12859-2024, respectively.
6. Considering the aforesaid facts as well as custody period of the petitioner which is more than 05 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.

04.04.2024
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(HARKESH MANUJA)
JUDGE

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