



236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24002-2024

Date of decision : 20.05.2024

WAZIR CHAND

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pawan K. Sharma, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.87 dated 13.02.2023 registered for the offences punishable under Sections 148, 149, 323, 506, 458, 325, 201 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Gharaunda, District Karnal.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xxx It is prayed that I, Rajinder Jain S/o Sunera Lal Jain resident of New Anaj Mandi Gharaunda. My younger brother Vinod Jain is residing at Mandi Mani Ram G.T. Road Gharaunda alongwith his wife was on 1st storey of his house, whereas his three children were sleeping on 2nd storey in the night of

2024:PHHC:071000

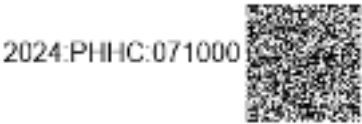


12/13.02.2023 at about 3:00 A.M., three unknown boys encroached in his house through roof of the other house and gave beatings to my brother and his wife Rajrani. When my brother raised alarm, then they shown weapon and threatened to kill, due to fear my brother and his wife jumped from the 1st floor. When the all three persons started fleeing through the roof then my niece Tripati Jain tried to stop them at this they pushed her and fled away from the house of the neighborer. Due to this incident my brother and sister-in-law sustained multiple injuries and are admitted in Amritdhara Hospital. Those three unknown persons who entered the house for committing theft and given beatings legal action be taken against them and be given severe punishment. MLRs of Vinod Jain and Rajrani are attached with the complaint.”

4. Counsel for the petitioner submits that the petitioner is behind bars for more than 1 year, 2 months and 16 days by now. Out of 27 cited witnesses only 4 could be examined till date. He further submits that the trial is not likely to conclude in the near future and thus custody of the petitioner should not be allowed to be continued as a punitive measure. Further relies upon order dated 22.09.2023 passed in CRM-M-44803 of 2023 whereby co-accused Rajinder Singh stands admitted to bail and claims parity.

5. State Counsel however opposes the bail plea submitting that the petitioner is a prior convict for offence punishable under Section 457 IPC in FIR No.612 of 2019 registered at Police Station City Karnal, Karnal and has five more FIRs pending against him.

6. Faced with the situation counsel for the petitioner relies upon **'Prabhakar Tewari vs. State of UP and another', 2020 (1) RCR**



(Criminal) 831 to submit that pendency of the other cases against the petitioner cannot be a ground to deny bail. Further reliance has been placed upon 'Maulana Mohd. Amir Rashadi vs. State of UP (SC)', (2012) 2 SCC 382.

7. I have heard counsel for the parties and have gone through records of the case.
8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the nature of the allegations, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 20, 2024
Dpr

Whether speaking/reasoned

Whether reportable

:

(Pankaj Jain)
Judge

Yes/No

Yes/No