



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-23541-2024 (O&M)
Date of decision: May 16, 2024

SOMESH RANA @ SOMU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana
with Inspector Tarsem Chand.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.174 dated 15.06.2023 under Sections 323, 506, 34 of the Indian Penal Code, 1860 (and Sections 201, 326, 307 IPC added later on), registered at Police Station Chappar, District Yamuna Nagar.
2. Learned counsel for the petitioner submits that he was not named in the FIR in question and came to be nominated as an accused 45 days after the occurrence in question, in a supplementary statement made by the injured- Amardeep, who stated that the petitioner was one of the two unnamed persons in the FIR, who had accompanied the other named co-accused, when they inflicted injuries on him with a *gandasi* and a rod. Learned counsel submits that even as per the Medico Legal Report of the injured-Amardeep, injury inviting the mischief of Section 307 IPC had been attributed to the co-accused Ajay and



Udayvir. Learned counsel submits that his false implication in the present case finds due credence from the fact that the injured-Amardeep was discharged from hospital just a week after the alleged occurrence, in a fit condition, however, he chose to give his first statement under Section 161 Cr.P.C. only 45 days later. He submits that in the circumstances, an embellished version having been given by the complainant is clearly discernable.

3. Learned counsel for the petitioner has further submitted that since both the material witnesses i.e. the complainant as well as injured-Amardeep stand examined before the learned trial Court, there can be no apprehension of the petitioner trying to tamper with evidence or even intimidate or influence the witnesses. A prayer has, therefore, been made to enlarge the petitioner on bail as his further incarceration would serve no useful purpose, moreso when 13 witnesses out of the 14 cited by the prosecution remain to be examined.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner was not named in the FIR in question, however, it has been submitted, on instructions, that when the injured-Amardeep made his supplementary statement, he categorically named the petitioner and also levelled allegations against him of having participated in the occurrence in question and of having inflicted injuries with a stick on his person. Learned State counsel, on instructions, has though not disputed that the injury, which was declared dangerous to life, has been attributed to co-accused Ajay and Udayvir, who were allegedly armed with a *gandasi* and an iron rod. On a pointed query put to



the learned State counsel, he, on instructions, has informed the Court that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. The petitioner has been in custody since 09.10.2023. The sole material witness in the case in hand i.e. the injured-Amardeep stands examined, thus, there can be no apprehension of the petitioner intimidating or influencing the witnesses during the course of trial. The trial would take considerable time to conclude.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition and extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 16, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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