

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

2024:PHHC:090359



CRM-M-29701 of 2024
Date of Decision:- 17.07.2024

Sourabh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K.Tripathi, Advocate
for the petitioner.

Mr.Gagandeep Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.315, dated 08.08.2023 under Sections 324, 341, 506 and 34 IPC (Section 307 added lateron) registered at Police Station Sector 13/17, Panipat, District Panipat
2. It has been argued by learned counsel for the petitioner that the petitioner is completely innocent and has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co accused Ram Lakhan who has been attributed injuries on the brother-in-law of the complainant, inviting mischief of an offence under Section 307 IPC. Learned counsel has further submitted that even as per the disclosure statement allegedly suffered by co accused, he had just accompanied the co accused at the time of the alleged occurrence and no role much less even *Lalkara* had been attributed to him. Prayer has therefore been made that since

the investigation in the present case is complete and challan stands presented, his further incarnation under the circumstances would serve no useful purpose as the charges have yet not been framed; coupled with the fact, as many as 40 witnesses have been cited by the prosecution.

3. Learned State counsel on instruction ASI- Rajender, while opposing the prayer and submission made by the opposite counsel has not disputed that the petitioner was not named in the FIR in question and came to be nominated as an accused on the disclosure statement made by co accused Ram Lakhan. However, it has been submitted by the learned State counsel that though the petitioner has not been attributed any specific injury on the person of the brother-in-law of the complainant, but co accused Ram Lakhan had travelled to the place of occurrence on the motorcycle driven by the petitioner, which was later recovered from the petitioner. Learned State counsel however, has also not disputed the stage of trial and has submitted that as many as 14 prosecution witnesses have been cited.

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

5. It would be apposite to reproduce the FIR which has been annexed as P-1.

“Sir, it is requested that I am Vakil Saroj s/o Lakhan Saroj resident of Bela Pathanpur District Azamgarh U.P. now residing at House No.18L Prakash Nagar Tehsil Camp Panipat, my brother Ramu Saroj s/o Lakhan Saroj also lives with us and my brother Ramu Saroj supplies raw noodles in Panipat a boy named Ram who lived in our neighborhood some time ago there was an altercation with him over some matter due to which the rivalry took place in the evening on 05.08.2023 at evening time my brother Ramu Saroj was riding his motorcycle No.HR1134047 HF-DELUXE and supplying noodles when my

brother reached the petrol pump on Barsat Road, a boy named Ram along with his two other companions stopped the motorcycle by holding it from behind and then one of the boys hit my brother Ramu Saroj in the waist with an ice breaker (sua) in his hand. They attached twice on my brother and then my brother fell unconscious on the spot, action may be taken against all those who fled from the spot after threatening to kill”.

A perusal of the above reproduced contents of the FIR reveals that the petitioner was not named therein. Investigation in the present case is complete and challan stands presented; the trial is likely to take some time to conclude as charges are yet to be framed, coupled with the facts that as many as 14 prosecution witnesses have been cited.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to the furnishing of surety/bail bonds to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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.

17.07.2024
sd

(MANJARI NEHRU KAUL)
JUDGE

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