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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

GAURAV

CRM-M-31329-2024 (O&M)
Date of Decision:- 09.08.2024

Versus

...Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. N.K. Chhokar, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

Reply dated 06.08.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Samalkha, Panipat is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
211	07.12.2023	148, 149, 323, 325, 341, 506 IPC; (307 IPC added later on)	Bapoli, Panipat, District Panipat

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner was neither named in the FIR nor any overt act has been attributed to him. The petitioner is in custody since 25.12.2023 and



after the completion of investigation, challan has already been presented in Court. The prosecution has cited 18 witnesses, however, none has been examined till date. He further submits that petitioner is not having any criminal antecedents, hence, prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel while referring to the reply submitted by the State has opposed the petition by arguing that considering the serious allegations levelled against the petitioner, he does not deserve the concession of bail. He submits that recovery of a wooden stick was effected from the petitioner during his interrogation. He has, however, admitted that the petitioner was not named in the FIR and his name has surfaced in the disclosure statement of co-accused Sanspal.

5. Heard.

6. After considering the respective submissions and perusing the record, it transpires that the instant case was registered on the statement of complainant Pardeep that on 06.12.2023, Sansapal, Ravinder, Sagar, Nishan and Rohit along with 3-4 other boys had attacked his brother with iron rods, *dandas* and *laathis* and started beating his brother. On raising alarm, the complainant reached at the spot and saw all the accused persons beating his brother and causing severe injuries to him. Thereafter, the assailants ran away from the spot along with their weapons after threatening to kill them in future. During the course of investigation, co-accused Sanspal was arrested on 19.12.2023, who in his disclosure statement has named the petitioner.

7. Admittedly, the petitioner was arrested on 25.12.2023 and since then he is in custody. After the conclusion of investigation, challan has been



presented in Court, however, during the course of trial none out of the 18 witnesses cited by the prosecution has been examined till date. There is no specific role attributed to the petitioner nor any specific injury is stated to be have been caused by him. The petitioner is not having any criminal antecedents and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

8. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

09.08.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No