

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

438

CRM-M-33023-2024 (O&M)
Date of Decision:- 25.09.2024

AZAD

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Rajat Singh, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG Haryana.
Mr. Parveen Moudgil, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

CRM-27549-2024

For the reasons stated in the application, same is allowed.
Annexures P-1 to P-6 are taken on record subject to all just exceptions.

CRM-M-33023-2024

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
391	01.10.2023	148, 149, 323, 325, 341, 506, 307 IPC; (325 and 307 IPC added later on)	City Narwana, District Jind

2. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He submits that although the name of the petitioner is mentioned in the FIR to be amongst the 15-20 assailants, but neither any specific overt act nor any injury is attributed to the petitioner, which has been found to be dangerous to life. He submits that the petitioner is in custody since 19.03.2024 and challan has already been presented in Court. Thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, who has filed his power of attorney today in Court, has assailed the arguments by submitting that the petitioner being an active member of unlawful assembly, armed with deadly weapon i.e. hockey, had participated in the crime and caused multiple injuries to the complainant with intent to kill him. It is further submitted that after the arrest of the petitioner, hockey which was used in the commission of crime, has been recovered from the petitioner. Hence prayed for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it is observed that originally the FIR was registered for offence under Sections 148, 149, 323, 341, 506 IPC against the petitioner and other co-accused, and later, offences under Sections 307 and 325 IPC was added. Although the name of the petitioner figures in the FIR, to be part of the unlawful assembly, however, no specific overt act has been attributed to the petitioner. Admittedly, the petitioner is in custody since 19.03.2024 and challan having been presented after the completion of investigation, it will



take sufficient long time for the learned trial Court to ascertain the criminal liability, if any, of the petitioner.

6. In these circumstances, considering the fact that no specific overt act is attributed to the petitioner in the occurrence, no purpose would be served by detaining the petitioner any longer. Consequently, 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/Judge on Duty/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.

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

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

(SANJIV BERRY)
JUDGE

25.09.2024
S.Sharma(syr)

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