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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35440-2023
CRM-M-59915-2023
Date of decision:- 20.04.2024

1.

CRM-M-35440-2023

SACHIN @ CHINNU

...

Petitioner
- Versus
- STATE OF HARYANA

...

Respondent
2.

CRM-M-59915-2023

RAVI @ KOBRA

...

Petitioner
- Versus
- STATE OF HARYANA

...

Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Partap Singh Gill, Advocate
for the petitioner in CRM-M-35440-2023.

Mr. Balraj Singh, Advocate,
for the petitioner in CRM-M-59915-2023.

Mr. Sehaj Sandhawalia, Advocate
for the complainant.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

1.

Both the petitions arising out of the same FIR for grant of regular bail have been taken up together for disposal.
2.

The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail

in the following case :-

FIR No.	Dated	Sections	Police Station
64	02.03.2023	148, 149, 307,323,324,506 IPC(325, 326, 201,120-B IPC added lateron)	Sdar Kaithal, District Kaithal

3. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. They contend that names of the petitioners surfaced during course of disclosure statement of the co-accused Manish qua their presence at the spot but no specific overt act has been attributed to them. They further contend that petitioner Sachin and Ravi are in custody since 06.03.2023 and 29.03.2023 respectively and challan has already been presented in Court, as such pray for grant of concession of bail to the petitioners.

4. *Per contra* Learned State counsel has not disputed the factual matrix of the case and referring to the reply dated 13.01.2024 claimed that the petitioners have been nominated on the basis of disclosure statement of co-accused Manish. He has not disputed that no specific injury is attributed to the petitioners, however, sticks have been recovered from them after their arrest. He submits that the challan has already been presented in court and out of 23 witnesses cited by the prosecution only 1 witness is examined till date.

5. After considering the rival contentions and going through the record, it transpires that in the instant FIR the police had arrested Manish and Aman and during course of interrogation of accused Manish the name of the petitioners surfaced to be accompanied them and having participated in the

crime. The petitioners Sachin was arrested on 06.03.2023 and Ravi arrested on 29.03.2023 and from their possession the police has recovered sticks. No specific overt act has been attributed to the petitioners, challan has already been presented in Court which is pending trial and out of 23 witnesses cited by the prosecution only 1 witness has been examined till date. In this manner, conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioners and no useful purpose would be served by keeping the petitioners behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioners behind bars. Therefore, the present petitions are allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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. Photocopy of this order be placed on the file of connected case.

(SANJIV BERRY)
JUDGE

20.04.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No