

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

230

CRM-M-51594-2023 (O&M)
Date of Decision:- 06.02.2024

DEEPAK

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY, J. (ORAL)

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
128	14.04.2023	148, 149, 323, 341, 379-B, 506, 307 and 120-B IPC	Julana, District Jind

2. In nutshell, the brief facts of the case are that the FIR was registered on the statement given by Rinku stating that on 12.04.2023 at about 08:00 PM, when he along with one Krishan reached near Radha Saomi

Aashram near Gatauli on motor-cycle, one Swift car attempted to crash into them, however, they managed to save themselves. Thereafter, 4-5 boys alighted from the car and in the meanwhile one more car came from Gatauli Adda and attempted to crash into them, however, the complainant, while riding, took the motor cycle into the fields. Thereafter 9-10 boys having *dandas* and *bindas* in their hands came towards them but the complainant-Rinku and Krishan ran away. They were chased and caught by Deepak and Ajay, who slapped the complainant and snatched his silver chain, however, he managed to run away. However, Krishan was badly beaten with *dandas* and Rs.1,25,000/- was snatched from him. On raising alarm, the assailants ran away with their weapons, threatening to kill them. The family members of the complainant took them to CHC Julana, thereafter the complainant was discharged after first aid while Krishan was referred to PGIMS, Rohtak.

3. 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 contends that even otherwise as per the allegations levelled in the FIR, the only role attributed to the petitioner is that he caught hold of injured Rinku, while the other co-accused caused him injuries. The injuries sustained by Rinku are simple in nature. He submits that the petitioner is in custody since 19.05.2023 and challan has already been presented in Court and as such, he prays for grant of bail, keeping in view the fact that the petitioner is not having any criminal antecedents.

4. *Per contra*, learned State counsel has opposed the bail on the ground of heinous offence having been committed by the petitioner. He has

referred to the reply dated 31.01.2024 submitted by Deputy Superintendent of Police, Head Quarter, Jind, District Jind to submit that as per the record, complainant-Rinku had sustained simple injuries and the role attributed to the petitioner is of holding the said Rinku. He has, however, admitted that no injury has been attributed to the petitioner.

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

6. After considering the rival contentions and taking into consideration the facts and circumstances of the case, it transpires that no injury has been attributed to the petitioner and the only role attributed to him is of holding Rinku, to whom simple injuries were caused by the co-accused. The petitioner is not having any criminal case registered against him and is in custody since 19.05.2023. The challan has already been presented in the case, meaning thereby, he is not required for further investigation. The conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. 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/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.

8. Any observation made above shall not be construed as opinion

of this Court on the merits of the case.

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

(SANJIV BERRY)
JUDGE

06.02.2024

S.Sharma(syr)

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