

207
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64231-2023 (O&M)

Date of Decision:08.01.2024

Lokesh @ Rocky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G. Haryana.

Mr. Karanveer Singh, Advocate for complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.32 dated 14.01.2023 under Sections 147, 149, 307, 323, 341, 379-B and 506 IPC and Section 25 of Arms Act, 1959, registered at Police Station Camp Palwal, Tehsil and District Palwal.

2. Learned counsel for the petitioner submitted that petitioner is in custody for about 11 months and 16 days. He further submitted that the investigation of the case has already been completed and charges have been framed but no prosecution witness has been examined till date. He further submitted that it is a case where the allegations made by the complainant that when the nephew of the complainant namely Mohit was coming from the Court, was attacked by some persons but the petitioner was never named. He further submitted that during the course of investigation, one co-accused namely Saurabh @ Monu was arrested and

thereafter further nomination was made and consequently the petitioner was also nominated thereafter. He further submitted that the petitioner has clean antecedents and is not involved in any other criminal case. He further submitted that as per the supplementary statement, the role attributed to the petitioner was that he was holding a *danda* and was inside the car and never attributed injuries to the injured. The learned counsel for the petitioner further asserted that in fact there was enmity between injured and the co-accused namely Saurabh @ Monu and even the aforesaid co-accused namely Saurabh @ Monu has already been extended the benefit of regular bail by the Sessions Court.

3. Learned counsel for the petitioner has further submitted that the present petitioner is exactly at parity with one other co-accused namely Ravi @ Dubi against whom similar allegations were made and he has already been extended benefit of regular bail by this Court vide Annexure P-8 passed in CRM-M-60077-2023 and so far as the present petitioner is concerned, he is on a better footing than the other co-accused namely Saurabh @ Monu and both the aforesaid co-accused have been granted benefit of regular bail. Learned counsel for the petitioner further submitted that a perusal of the FIR would show that some unknown persons had shot the injured who fell down, whereas as per the MLR report there was no injury pertaining to the fire arm and even the provisions of Section 25 of the Arms Act, were invoked by the police but none of the accused were charge-sheeted regarding the same and the entire prosecution story was doubtful and false one and therefore, the present petitioner may be considered for grant of regular bail in this petition..

4. On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody for about 11 months and 16 days and further has not disputed the parity of the petitioner with the aforesaid co-accused.

5. Mr. Karanveer Singh, Advocate, has caused appearance on behalf of the complainant and has submitted that the petitioner was instrumental in causing injuries to the injured.

6. I have heard the learned counsel for the parties.

7. At the time of arguments, a query was raised to the learned counsel appearing on behalf of the complainant as to what is the medical condition of the injured as of today, to which he stated that the injured is perfectly fine. The petitioner has already faced incarceration for about 11 months and 16 days and the petitioner is stated to be having clean antecedents and is not involved in any other criminal case. During the course of arguments it was also pointed out by the learned counsel for the petitioner that after the framing of the charges, the complainant was summoned thrice by the learned trial Court but he did not even care to depose before the concerned court. Even otherwise also the parity of the petitioner with the aforesaid two accused namely Saurabh @ Monu and Ravi @ Dubi has not been disputed by the learned State counsel. Furthermore, it is neither the case of the learned State counsel nor it has been argued that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

08.01.2024
shweta

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