

(2021) 02 P&H CK 0251

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 1668 Of 2021, 42953 Of 2020

Chhaterpal @ Tinku

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 19-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439, 482

Indian Penal Code, 1860 — Section 34, 25, 307, 323, 324, 506

Citation : (2021) 02 P&H CK 0251

Hon'ble Judges : Lalit Batra, J

Bench : Single Bench

Advocate : Prashant Singh Chauhan, Vikrant Pamboo, Baljeet Beniwal

Final Decision : Allowed

Judgement

Lalit Batra, J

CRM-1668-2021

This application under Section 482 Cr.P.C. is for placing on record vernacular of Annexure P/1 i.e. Affidavit dated 27.11.2020. Vernacular of

affidavit dated 27.11.2020 (Annexure P/1) is taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-Chhaterpal @ Tinku for grant of regular bail in case FIR No.129 dated

05.05.2020 under Sections 307, 323, 324 and 506 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Kasola,

District Rewari.

Learned counsel for the petitioner inter alia contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota

of truth therein. He further urges that allegedly simple injury by means of sharp-edged weapon (knife) on the person of injured-Mohan has been

attributed to the petitioner, whereas gun shot injury on left ear of injured-Mohan has been attributed to co-accused Sunil @ Sunny. He further urges

that even otherwise injured/complainant has exonerated the petitioner of charges and to this effect he has already furnished affidavit dated 27.11.2020

(Annexure P/1). He further submits that petitioner is in custody since 06.11.2020 and he is no more required by the Police for any investigation

purpose. He further submits that challan has been presented in Court and trial has already commenced. He further submits that since trial of the case

would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner

does not deserve the concession of bail.

Learned counsel for the complainant has given concurrence to the execution of affidavit dated 27.11.2020 (Annexure P/1).

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact

that petitioner is in custody since 06.11.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has

already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the

petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-Chhaterpal @ Tinku is allowed and he is ordered to be released on bail

on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Rewari, as the case may be.