

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc.No.M-12677 of 2015(O&M)

Date of Decision : 30.04.2015

Bilal Haider

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.G.P.Singh, Advocate for the petitioner

Mr. Pawan Girdhar, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 283 dated 5.10.2013 registered under Sections 148, 149, 323, 324, 307, 302, 201 IPC at Police Station, Udyog Vihar, Gurgaon.

The case was registered on complaint of one Sunil and as per his version in the FIR it was stated by him that he was blessed with a son and when he wanted to seek leave from the Company, he contacted Mukesh Bisht, his team leader who abused him and asked him to come to a specified spot, pursuant to which when the complainant alongwith few others went in a car in order to procure leave, a fight ensued between Mukesh Bisht, his helper Ram, brother of Ram and Pawan Mota and few others. It was alleged by Sunil that Mukesh Bisht initially gave him a slap and Pawan Mota gave knife blow on his back. Then brother of Ram gave many blows with knife

on various parts of body of Sunil's cousin namely Ram Avtar while Pawan Mota and brother of Ram also gave many knife blows on the chest, abdomen of Devender. Mukesh Bisht caught hold of hair of Devender while Ram and Mukesh Bisht caught hold of Sanjay and brother of Ram gave many knife blows. Others accompanying the accused also joined the fracas. It was at this stage that someone from the crowd dialed the police and when the PCR van came the assailants fled. As a result of this incident two persons namely Ram Avtar and Devinder died.

It was contended by the learned counsel for the petitioner that the name of the petitioner does not occur in the entire occurrence. It is further stated that Sunil Sharma the complainant has since been examined and even in his statement the name of the petitioner has been found missing.

Learned counsel for the respondent on the other hand contends that the petitioner is alleged to have caught hold of one of the deceased Ram Avtar while Salman Haider inflicted a knife blow. It is further stated that Ram Avtar died in the incident while Salman Haider has been declared a Proclaimed offender. It is thus contended that looking at the serious nature of the allegations and incident where two persons have lost their lives, it is not a fit case where concession of bail be granted to the petitioner.

On due consideration of the matter and upon perusal of the material on record, I am of the view that the name of the petitioner does not find mention in the entire narration of the events either in the FIR or in the statement of the complainant. The probability of his being present in the occurrence is the only possible explanation to answer his implication.

Be that as it may, the Court would not like to comment upon the merits of the case any further but suffice it to say that the name of the

petitioner does not reflect in the allegations which have surfaced in the FIR and the statement of the complainant. Besides the fatal injuries have been attributed to different persons who have been named in the FIR and corroboratively named by the complainant as well.

Finding that the name of the petitioner to be significantly absent from the entire sequence, instant petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C . Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

April 30, 2015
rekha

(Mahesh Grover)
Judge