

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

**CRM No. M-20994 of 2015
DECIDED ON: JULY 24, 2015**

SANJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of local papers may be allowed to see the judgment?***
- 2. To be referred to the Reporters or not?***
- 3. Whether the judgment should be reported in the Digest?***

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

JASPAL SINGH, J (ORAL)

This is a second petition preferred by Sanjay under Section 439 Cr.P.C. seeking regular bail in case FIR No. 175 dated 16.04.2014 under Sections 148, 149, 324 and 307 IPC and Section 25 of Arms Act and Section 3 (2) 5 of Scheduled Caste and scheduled Tribes Act, Police Station Civil Lines, Rohtak, District Rohtak.

2. The instant case stands registered on the basis of statement of Manish.

The relevant translation of FIR reads as under:

“On 15.04.2014 at about 7.00 PM he went to Tikona Park, Power House where he met his friends namely Ram Darshan and Akshay Nandal. Meanwhile, five boys came to them whom he already knew. Mohit, Virender, Ankit, Naveen and Sanjay started abusing Ram Darshan and stated that they will teach him a lesson for speaking wrong on phone. Sanjay was armed with knife and Virender and Ankit were armed with dandas and Mohit and Naveen were empty handed. Sanjay gave one knife blow in the abdomen and another knife blow on the head of Ram Darshan with an intention to kill him. When the

complainant tried to rescue Ram Darshan, Sanjay gave a knife blow on the right side of his chest with an intention to kill him. Whereas, Virender and Ankit gave danda blows and Mohit and Naveen gave fist and leg blows. On hearing the noise in the park, many persons gathered there and all the accused-persons ran away from the spot with their respective weapons. In the meantime, their friends Rohit and Mohit reached at the spot who got them admitted in PGIMS Rohtak by arranging the private vehicle. All the five persons in connivance with each other caused injuries to them with an intention to kill them.”

3. The contention of learned counsel for the petitioner is that he is innocent and has committed no offence. He has been falsely implicated in the instant case by complainant. Moreover, a false allegation has been levelled against petitioner that he inflicted a knife blow in the abdomen of Ram Darshan and another blow of knife on the head of Ram Darshan with an intention to kill him and when complainant tried to rescue Ram Darshan, he dealt a knife blow on the right side of his chest with an intention to kill him. Both the injured have already been discharged from the hospital soon after their admission. They are hale and hearty and performing their day to day work. The co-accused have already been granted the concession of bail. Petitioner is in custody since the date of his arrest i.e. May 06, 2014. He has already been subjected to a thorough interrogation/investigation and is no more required for further investigation. Offence under SC/ST act has also not made out, even if the contents of FIR are taken on its face. It has further been submitted by learned counsel for the petitioner that trial is still on its initial stage and disposal thereof, would take sufficient long time. He also undertakes to abide by all the terms and conditions imposed by this Court in case he is granted the concession of bail.

4. On the other hand, learned State counsel has opposed this petition submitting that there are serious and specific allegations against petitioner. He not

only caused injuries to complainant but also to Ram Darshan that too on the vital parts of the body. The case of the petitioner is not on equal footings that is of his co-accused, who has already been granted the concession of bail. The mere fact that he is in custody since May 06, 2014 does not *ipso-facto* entitle him to grant of bail. Accordingly, he prayed for dismissal of instant petition.

5. A deep thought has been given by this Court to the rival submissions made by learned counsel for the parties and this Court does not find any merit in the submissions made by counsel for the petitioner. Manish, while getting instant case registered has specifically alleged that petitioner in connivance with his co-accused Sanjay and others inflicted a knife blow in the abdomen and another blow of knife on the head of Ram Darshan with an intention to kill him. When he tried to rescue Ram Darshan, petitioner dealt a knife blow on the right side of his chest with an intention to kill him. Besides it, co-accused of petitioner have also caused injuries to him as well as Ram Darshan. In view of the fact that there are serious and specific allegations against petitioner, this Court does not deem it a fit case to extend the concession of bail.

6. Accordingly, instant petition is dismissed.

JULY 24, 2015
SHAM

(JASPAL SINGH)
JUDGE