

CRM-M-12676-2016 (O&M)

Date of Decision : 12.05.2016

Shiv Rana

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. V.K. Gupta, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Vijay Pal alleging that on 27.11.2013, he along with his friend Gullu, was attacked by the petitioner and 5-6 other accused who came in a car and one motorcycle, when he was going to receive his brother Jitender, causing injuries and having escaped after leaving the motorcycle on the spot. The petitioner allegedly gave a blow on the left side of the chest of complainant with a sharp edged weapon like knife.

Learned counsel for the petitioner has contended that as a matter of fact, another FIR No. 226 dated 28.11.2013 stands registered at Police Station Sadar Yamuna Nagar under Section 148, 149 and 302 IPC on the allegation that the complainant and his other accomplice had attacked the petitioner and Mohit Rana at 6:30/6:45 PM on 27.11.2013. It has been submitted that in the said case, the main eye witness Rahul has already been examined as PW 17 to the effect that he along with Mohit Rana, was attacked by complainant in the present case, Vijay Pal and 20 other persons. It has been argued that the complainant had formed a gang

of youngsters which had even attracted the attention of local politicians. With an objective to pressurize the petitioner, not to pursue the murder case, he has been falsely implicated in the case.

I have heard learned counsel for the petitioner and gone through the police record.

Without expression of any opinion regarding the culpability of any person in the murder case of the brother of the petitioner, it is sufficient to observe that in the present case, the petitioner has been in custody with effect from 05.11.2015. As the brother of the petitioner has been murdered in the same occurrence regarding which a cross case is also registered against the complainant and others and both the cases are being tried simultaneously by same Court, it would certainly be a debatable issue as to who was the aggressor party and whether the petitioner had actually indulged in the crime or it is a case where false defence has been sought to be created. Be that as it may, the complainant has already been examined in this case. Chances of tampering with the evidence are thus remote.

Petitioner, in said circumstances, can be granted the concession of bail. Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that the petitioner will not indulge in any activity similar to the activity in the present case, during entire period of trial.

(M.M.S. BEDI)
JUDGE

12.05.2016
Neha