

(1)

CRM-M-35265-2016

Date of Decision : 10.11.2016

Sandeep Kumar

.....Petitioner

versus

State of Haryana

....Respondent

(2)

CRM-M-36460-2016

Date of Decision : 10.11.2016

Sandeep Kumar @ Mathu

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Ms. Dhivya Jerath, Advocate
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

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

This order will dispose of two petitions, one filed by Sandeep Kumar (CRM-M-35265-2016) and other by Sandeep Kumar @ Mathu (CRM-M-36460-2016) for grant of pre-arrest bail in case FIR No. 116 dated 30.08.2016 registered under Sections 323, 341, 506, 148, 149, 379A, 325 IPC registered at Police Station Raipur Rani, District Ambala at the instance of Shalinder alleging that while complainant had gone to drop his workers, petitioners along with other accused constituted an unlawful assembly and waylaid the complainant and

attacked him with *lathis* besides giving severe beatings to the complainant. A sum of Rs. 8,000/- was also allegedly taken away from his pocket.

So far as the petitioner – Sandeep Kumar in CRM-M-35265-2016 is concerned, he is attributed a fist blow on the tooth of the complainant. On examination of the said injury on next day, no active bleeding was detected.

On asking of the Court, the investigating officer informs that neither the tooth has been recovered nor the blood stained clothes indicating bleeding, pursuant to the breaking of tooth, has been recovered. In view of said circumstances, it will certainly be a debatable issue during the course of trial, whether the petitioner is liable for the tooth injury or not. Petitioner has joined investigation.

In view of said circumstances, petition bearing No. CRM-M-35265-2016 is allowed. In case of arrest of petitioner - Sandeep Kumar in CRM-M-35265-2016, he shall be released on bail to the satisfaction of the arresting officer subject to the condition that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner. He will also not commit the similar offence of which he is accused of, in the present case, during the pendency of the trial.

In the petition of other Sandeep Kumar @ Mathu (CRM-M-36460-2016), counsel for the petitioner claims that he is a juvenile and has not been attributed any specific injury. This petition (CRM-M-

36460-2016) is disposed of with a direction that in case, the petitioner surrenders before the Illaqa Magistrate or the investigating officer, he may claim rights under Section 12 of the Juvenile Justice (Care and Protection of the Children) Act, 2015 and shall be dealt with in accordance with the provisions of Section 12 of the said Act.

Disposed of with above said observations.

(M.M.S. BEDI)
JUDGE

10.11.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No