

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

**CRM-M-25691 of 2017**  
**Date of Decision: 25.07.2017**

Harish @ Harsh

....Petitioner

**VERSUS**

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. R.K. Agnihotri, Advocate  
for the petitioner.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.389 dated 09.05.2017 registered for offences punishable under Sections 323, 342, 506 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Model Town, Panipat, District Panipat. (Offences punishable under Sections 385 and 326 IPC were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that complainant has named four accused in the FIR. As per allegations, he was caught; taken to the house of Vicky, where his clothes were torn; and in naked condition he was made to lie on the ground. Then a hot iron was put on his buttocks and

when Vicky was putting the hot iron on his chest towards the side of heart, he raised *rolla* which attracted neighbourers, who got him released. One of the person, who came to rescue him, gave him trouser. Complainant had given affidavit dated 08.06.2017, wherein he absolved two of the persons named in the FIR, namely, Vishal @ Laddoo and Ayush Dabar. The police had got discharged Vishal @ Laddoo and Ayush Dabar. Allegations against the petitioner are similar to allegations levelled against Vishal @ Laddoo and Ayush Dabar. The petitioner was arrested on 16.05.2017. The challan has been presented by the police.

Learned State counsel submits that complainant has given two affidavits to police. Firstly on 29.05.2017, wherein he has stated that petitioner, Vishal @ Laddoo and Ayush Dabar have not given him any beating but in affidavit dated 08.06.2017 he has absolved only Vishal @ Laddoo and Ayush Dabar, who were got discharged by the police.

At this stage, it is not required to go through the recital in affidavits given by complainant on 29.05.2017 and 08.06.2017 as the same will be subject matter, which is to be looked into by trial Court on the strength of evidence produced before it. This fact is apparent that petitioner after getting the FIR registered resiled from his statements on one count or the other. The role of petitioner as attributed in the FIR is similar to the role of Vishal @ Laddoo and Ayush Dabar against whom he has chosen not to proceed.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Harish @ Harsh is ordered to be released on regular bail on furnishing bail bond and

surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

**July 25, 2017**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No